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JANUARY, 1879

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TO THE HILLS

*By a Hindustani*

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An occasional trip to the Hills is sure to do an immense deal of good to the toil-worn, emaciated, pale-faced and anxious-looking Babu. Such a trip is fitted to brace up his nerves, strengthen his body, expand his mind, and refresh his spirits, as well as to diminish his native timidity by inuring him to danger. He will find a new principle of health at work in his poor debilitated body, as soon as he leaves the plains, and begins that romantic journey, up acclivities and down declivities, which terminates in a cool Himalayan sanatorium. And a short stay in such a Sanatorium, accompanied with a full and free participation in its healthy recreations and sports,—in exercises so eminently fitted to strengthen the nerves and give full play to the lungs—can not but result in his partial, if not complete restoration to health, and perhaps in his deliverance from a premature death. It will moreover—in case he fully avails himself of the pleasures of pedestrianism among the glories of mountain scenery—accustom him to danger, and thereby impair his characteristic timidity, which is so decidedly out of harmony with the bluster in which he often indulges. Nor will the benefits he derives be confined to his shattered bodily system. His mind will be enriched and refreshed by accessions of new ideas and new images. In the fertile province which he may call his own, he is accustomed to scenery eminently fitted to develop his sense of the

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beautiful and the charming in nature. The plain covered with rank vegetation, the field rich with waving grain, the rock adorned with living green, the tank smiling under the sun, the village embowered amid luxurious bushes, the shrine concealed under the overhanging branches of giant trees, the shady *Peepul*, the graceful palm, the broad-leaved plantain, the fragrant flower, the luscious fruits—all these objects of beauty are surely fitted to develop and mature some elements of his æsthetic nature. But he has to atone for the good he derives from such charming scenery, inasmuch as it exercises over him that softening influence, to which his bodily weakness, his want of mental depth, his proneness to indolence, his lack of persevering energy, his timidity and his dreaminess are to be traced. But when he goes up to the Hills, he gets accustomed to scenes, very different indeed from those which tend to enervate his mind and soften his body in his beloved father-land. The lofty ranges of forest-clad mountains rising, tier above tier, and gradually melting cloud-like into the horizon, the picturesque valleys adorned with winding footpaths, patches of vegetation and clumps of wild trees, the deep chasms overgrown with broadleaved plants and ferns of various kinds, the mountain torrents dashing and eddying and foaming through dark ravines, the infuriated cataracts plunging headlong through deep gorges towards natural lakes, the lovely hill invested in a garment of fragrant pines, the glen overarched by sturdy oaks and shady rhododendrons, the white villa perched, as it were, on the brow of a lofty precipice, the undulating road, the green slope, the hanging orchard, and the fountain of living waters—all these can not but tend to develop his sense of the sublime, and fill his mind with varied images of magnificence and grandeur. And the dangers he is called upon to face and overcome, as he goes up and down in his pleasure rambles, are sure to generate in him that courage to which he is an utter stranger. It is impossible to over-rate the advantages he is sure to secure by undertaking a trip to the Himalayas. To these anxious to avail themselves of the benefits of so romantic a change, an account of a missionary journey to these sublime

heights, recently completed by a Bengali converted by long residence in the North West Provinces into "A Hindustani," will not prove an unacceptable if badly-cooked morsel

Of the two roads leading to Kumaon—that *via* Mooradabad and Kaladurgi, and that *via* Bareilly and Raneebaugh—we chose the latter, our object being to visit Almorah before proceeding to Naini Tal. Our readers need no information as to how we reached Bareilly, they being accustomed to the shrill whistle of the iron horse as well as we, experienced travellers, are. The journey from Bareilly to Raneebaugh, a distance of about sixty miles, had to be completed in a way fashionable enough about a quarter of a century since, but now out of date in all but out-of-the-way places. We had to get into a stage-coach, and to commit ourselves to the tender mercies of a lot of obstinate and refractory horses, and of course the sweet associations of by-gone days were revived, as well by the coaxing, the flattery and the caresses, as by the torrents of filthy abuse, in which the coachman and his horse companions indulged, to make these animals perform their duty. They however despised both caresses and threats, looked down upon the spur, the whip and even the bludgeon with supreme contempt, and had literally to be dragged along with the conveyance by their persecutors. Our star seemed unpropitious, and our progress was hindered, not only by the invincible obduracy of these overworked animals, but by the badness of the road, and a heavy downpour. And the consequence was that we completed in twenty-four hours a journey usually finished in twelve. But our misfortune was counter-balanced by certain compensating advantages. When the night, which was to see our journey completed, was over, we found ourselves ascending, gently and imperceptibly, along an undulating road, and we had an earnest of the magnificent scenery before us. Diminutive hills of various shapes and heights, covered with broad-leaved plants and wild trees, were visible, and the music of dashing torrents was heard. At mid-day we reached Haldmani, the capital of those low-lands, which are being converted from howling wastes into busy hives of



population by the industry and skill of Sir Henry Ramsay, the Commissioner of Kumaon and British Gurwal. This city at the foot of the hills is a model of hill cities, and consists of a broad road skirted on both sides by rows of two-storied houses made principally of wood in the shape of well-rounded pillars, smooth planks and carved doors. The lower apartments, the floors of which gently rise to those of the upper story, are used as shops, and the higher ones, which are more roomy and comfortable are tenanted by officials, who come down from the hills, along with the authorities, in the cold season. Haldwani has an appearance of freshness, having been recently built, and hungry travellers may find in its numerous shops all the necessities of life and not a few of its luxuries tastefully arranged. A couple of hours' run from this model hill town brought us up to Raneebaugh.

The staging-bungalow at Raneebaugh, a structure of solid stone, is situated on a natural platform surrounded by lofty hills, and overlooking a chasm on three sides, and a roaring mountain stream on the fourth. As we could not, owing to the pressure of business put on the man in charge of conveyances by about half a dozen travellers, make arrangements for proceeding further, we made up our minds to spend the night in this bungalow. And herein we were victimized by a hallucination, against which travellers up the hills ought to be put on their guard. Fatigued and fagged by twenty-four hours' confinement in a *dāk* carriage, we went to sleep as soon as we got into our bed, but when in the morning we opened our eyes in our dark room, we imagined that torrents of rain were pouring on the roof and around our temporary domicile. Such heavy rains! How was it possible for us to start? The best thing we could do was to go to sleep once more, or keep ourselves confined till the rain was over. While we were soliloquising in this manner, the grey light of the dawn penetrated into our room through the glass doors, and indicated, as we thought, a partial clearing of the clouds, though not accompanied with an abatement of the splash and the war of the incessant downpour.

We got up, committed ourselves to the care of our heavenly Father, washed, and opened the door. What an agreeable disappointment! The sky appeared as clear as it could possibly be in those regions early in the morning, and the ground as dry, while the splash and the roar of the mountain stream beneath the pedestal, so to speak, of our temporary abode, disabused our minds of the mistake under which we had been laboring. We set out with a light heart—but we must pause and give some account of our mode of travelling and the undulating road we had to proceed along.

A Bengalee of the Bengalees, we had recourse to a mode of travelling, which is, as a rule, never utilized except by delicate ladies, tender children, and pale-faced, wan-visaged invalids. Gentlemen, whether European or Native—the lady-like Babus of course excepted—ascend the hills on horseback, and never dream of having recourse to conveyances reserved for their better halves or delicate sisters and daughters. The cushioned Sedan-chair, called *Jhanpan*, or the hammock called *Dandy*, borne on the shoulders of hardy mountaineers, is as a rule reserved for women and invalids, but though not unable to manage a gentle, Babu-spirited horse in the plains, we could not dream of committing our lives to the care and guardianship of a hill-poney of high mettle, and we had no alternative but to allow ourselves gracefully to be ranked with those, who in this life frequently need the protection of our manly strength. A *Jhanpan* or a cushioned chair of colored wood resting upon a carved framework and overtopped sometimes with a canvass screen is, of all the conveyances available, the most comfortable, but we failed to secure this moving paradise, and had in consequence recourse to what is called a *rude-dandy*, that is a hammock borne aloft by means of two thick poles attached transversely, by strong ropes, to those coming out, so to speak, of its two extremities. We arranged our bedding so as to convert the moving bed with a moving chair, and we displayed a little manliness, as well as showed much kindness to the hard-worked bearers, by making a copious use of our pedestrian powers, especially when formidable

ascents had to be cleared. Thus much for our method of travelling. Our winding pathway is cut along the sides of a range of lofty mountains running parallel to another range equally lofty, both covered with broad-leaved plants and giant trees, and both sloping, here and there precipitously, but as a rule gently into a narrow ravine, which expands now into a chasm, then into a glen, and anon into a wide valley. On the right one sees nothing but a loft wall of mountains, covered with all kinds of wild plants and trees, and disclosing here and there a boulder jutting out of the rocky skeleton or body concealed beneath the external and visible garment of romantic forests, but on the left the scene changes, here into a chasm over-arched by lofty oak trees, there into a mountain stream roaring and dashing and glistening along a narrow ravine, and yonder into a valley intersected by winding foot-paths, and surrounded by several ranges of lofty hills, while as one looks forward, one sees wave upon wave, so to speak, of sublime heights receding before one's eyes, and gradually melting cloud-like into the distant horizon. The scenery is magnificent indeed, and as we made progress from height to height, the cold blasts coming from the highest regions of the atmosphere and breathing a health-giving energy into our shattered frame, the glazes around us refreshing our eyes and quickening our thoughts, and the music of mountain torrents and dashing cascades regaling our ears, reminded us of "the home over there" where suffering and sorrow are unknown. After four hours' pleasant march through such magnificent scenes, we reached Bhun Tal, one of the largest of those volcanic lakes which abound in these parts of the country.

Bhun Tal is a sheet of blue water larger in the rainy season than Naini Tal, surrounded by a range of lofty mountains, which guard the valley of which it is the most prominent sight. It receives several mountain streams and dashes water-falls into its ample bosom, and lets out one roaring cascade which, after leaping from a series of heights into a series of depths, loses itself among the forests below the *staging-bungalow*. Near this stream there are two temples, one of which is half sunk in water, like

the famous slanting temple which with innumerable others forms the river view of Benares, while the other somewhat bigger shrine the goddess, which gives the spacious lake its sacred name. The road to Almorah passes alongside of this sacred edifice, and ascends more or less precipitously a lofty range of mountains, and as we plodded up this ascent we beheld the vast lake till it dwindled into a small tank, as well as feasted upon the magnificent scenery before us consisting of what might be called a sea of hills of various heights and many fantastic forms terminating in the distant sky. As we sailed on, now looking through an opening before us at magnificent ranges of mountains, then beholding wild chasms and wilder glens overgrown with thick forests of oaks, rhododendrons and other shady trees, to us unknown, and anon listening to the hum of a mountain stream dashing on about a thousand feet below our path, we were reminded of an expression made use of by Robert Hall when he read the journal of holy Brainerd. He described it as "a monotony of sublimity," and we can not better describe what we saw before us than by pressing into our service his striking phraseology. After clearing a number of ascents and descents, we reached the height from which we could see a few snow-covered peaks coming out of what appeared to be a sea of grey clouds, and clad in the dazzling light with which the descending sun always invests them. The evening was not clear, or we could have seen, not a few solitary peaks, but one vast range of snow-covered elevations bathed in a flood of glorious light. From this height we descended till we reached the *taging-bungalow* at Ramgar, wherein we were to spend the night. The situation of this *bungalow*—built on a natural platform surrounded on all sides by forest-clad hills—is beautiful indeed, while the comforts we secured within its walls were by no means of a contemptible order.

The night over, we resumed our journey as early as we possibly could. We had first of all to descend, along a road overarched with diminutive but shady *vats*, into a rectangular valley intersected by a mountain stream, and then to ascend a

lofty peak till the roar of the dashing torrent softened into a pleasant, musical hum. From the top of this height the scenery commanded could scarcely be surpassed in picturesqueness and grandeur. Lofty mountains of various fantastic forms, some rising precipitously from the ravine below, while others presenting slopes variegated with strips of cultivation rising one above another,—all clothed with grass, ferns and various kinds of wild plants, and not a few over-arched with giant trees—seemed to guard the undulating road we were treading with no little difficulty. We thought that we were surrounded by the domes and minarets, the ramparts and bastions of nature, and a series of images, all calculated to strike awe into our hearts, flitted across the mind. It was a relief to turn our eyes from the overhanging heights to the slopes below adorned with villages embowered amid clumps of shady trees, and rising above parallel slips of cultivation. One of these, unusually large, situated on a beautiful slope, and overhung by a forest-clad hill, seemed so attractive that we could not but picture it to our minds as peopled by saints and sages, men spending their time in holy meditation and women engaged in works of piety and philanthropy. “What romantic village is that?”—was our enquiry. “The village of the prostitutes”—was the prompt reply. Nonsense! What do you mean? Are you mad?” “I am not mad, most noble traveller, but speak forth the words of truth and soberness. Prostitution is a remunerative business in those ethereal regions, and the largest and most beautiful village in the vicinity is owned by prostitutes.” We toiled on, now rising up an acclivity and then going down a declivity, a long range of lofty mountains all covered with romantic forests till we reached the *Peora staging-bungalow*, where the bearers were to have their breakfast. From a height in the vicinity of this bungalow we could see the city of Almorah situated on a romantic plateau in the shape of a few scattered white villas. If we could travel as the crow flies, we might reach our destination in about an hour, but we had about half-a-day’s toilsome march before us, and we could do nothing better than rest awhile.

The bearers, anxious to add a little butter to their bread, begged a few copper pieces with the avowed object of having a dish of curry. Their request, perfectly legitimate, was cheerfully complied with, and they bought, along with the full measure of the flour they needed, a lot of potatoes, the most common of the very few kinds of vegetables procurable in those elevated regions, and a few chillies. They then set to work, and in about an hour they had their thin round pieces of bread and curry ready. The curry however was something very different indeed from what we, Bengalees, are accustomed to, presenting as it did the appearance of a big vessel full of water-like soup with a few potatoes cut and roasted drowned underneath the surface. This soup was distributed, all the persons receiving it in brazen vessels, but one, who had it in a nice vessel made of a couple of broad leaves. When the distribution was over, they ate their bread and sipped their soup exactly in the way in which European gentlemen enjoy their toast and tea, when the sharp knives and the little spoons are laid aside. When their breakfast was over they gather into a smoking party, and their smoking had some peculiarities about it. They sat in a circle, and one of them had the hubble-bubble, a *hooka* with a small brazen tube attached to its mouth, ready, and after enjoying a puff held it before another who took hold of the brazen tube with his fingers and regaled himself with a puff. The instrument was then held before and utilized in the same manner by another, and so it passed round for about a score of times. When the men were satisfied, they resumed their onerous task. We stood on the top of a lofty mountain, and faced one still loftier, with a winding path cut along its spacious side up to its apex. If the two mountains could be connected by a straight road hanging in the air, somewhat like a prodigious suspension bridge, the march could have been completed in a few minutes. But we had first to go down a winding path into a yawning chasm and then to toil up another winding path leading to the top of the mountain before us, and so we did not gain the height except after a toilsome and fatiguing

march of about an hour and a half Distances in these mountainous regions are, owing to the acclivities and declivities that have to be cleared, all deceptive, what appears a short distance being in reality a terribly long one And a good deal of experience is needed to obviate disappointments arising from the extinction of sanguine hopes generated and matured by false appearances After clearing a few ascents and descents, such as we have described, travelling along pine-clad hills amid scenery which would have charmed us if the meridian effulgence of the sun had not made our march nearly as disagreeable as a walk in the plains in the middle of the day, we found ourselves going down, somewhat precipitously, towards a place where a couple of roaring mountain streams intersect each other The mountains around us seemed precipitous and rugged, with huge boulders jutting out of their sides, and not many patches of living green to relieve the stern wilderness of the scenery, and as we toiled down alongside of the stream eddying and roaring and foaming and frothing around the large stones heaped up in its way, and between rough, steep mountain-walls with projecting rocks threatening to fall on our heads, we had a new sense, a sense of awe, developed in us But the grim aspect of nature did not continue long to frown upon us, inasmuch as, when we had crossed the river Cossi through a small and narrow suspension bridge, and cleared a formidable height, we beheld scenes which in the varied elements of beauty and grandeur could scarcely be surpassed We went on merrily alongside of a warbling stream, and through a road overarched with beautiful and fragrant pines, feasting our eyes, here on a pyramidal hill tapestried with fresh grass, there on a lonely natural tower covered with a garment of shady pines, and yonder on a slope adorned with strips of cultivation, while wave above wave of lofty mountains seemed to stretch towards the right in what might be called an infinite series A few ascents and a few descents cleared, we had a view of Almorah, by no means either comprehensive or glorious We looked up to it from a depth, rather than down upon it from a height, and hence a small

position of it crowned, so to speak, with a few scattered houses and guarded by boulder-embossed hills, was all that we saw, and our first impression was by no means very favourable

The city of Almorah is situated on a plateau gently sloping on either side towards a ravine, and consists of a broad road paved with stones, overhung by two ranges of two storied houses with colored wooden walls and beautifully carved doors and windows, and set off by clusters of white-washed houses scattered around in what may be called beautiful disorder. You can not have a good view of this city, the metropolis of Kumaon, except from one of those heights which form its northern boundary, and which look down upon the two brawling streams by which its pedestal is washed on both sides. From one of these the view you command is picturesque indeed. In front, situated on a grass-covered mound, stands the fort which guards the approaches to the town, and which overlooks the somewhat massive structures occupied by the authorities. Before it you see a range of sloping roofs gently descending from a higher towards a lower level. Towards the right you see a slope beautifully adorned with the green velvet of nature, and strips of cultivation rising one above another, with clumps of shady trees overarchng snow-white houses scattered over it, descending towards a stream which comes down dashing and roaring from a neighbouring hill. Towards the left, a similar slope similarly variegated descends towards a stream broader, less noisy but more circuitous in its course. The hills around, all covered with fresh grass, and not a few adorned, with strips of cultivation, present a very lovely appearance, while as one lifts up one's eyes towards the distant horizon, one sees nothing but what may be called an interminable forest of mountains of various fantastic shapes and diverse heights. With lofty ranges of mountains rising tier above tier around you, with what may be called an amphitheatre of nature on either side, with a range of buildings situated on an inclined table-land, and others scattered on the slopes before you, with the wild grandeur of nature tempered by the glories of art, with broad roads and narrow footpaths winding up and down with graceful



irregularity—with romantic sights to refresh your eyes, and the hum of mountain streams roaring about hundreds of feet below you to regale your ears, you may well consider yourself lifted up to a veritable paradise. But think of the dark hearts that beat and the dark deeds that are done, albeit occasionally among these picturesque mountains, and your rising feelings of exultation are at once caused to droop and languish.

But the grass-clad mountain, the cultivated slope, the white villa embowered amid a clump of wild trees, the meandering stream and the dashing torrent, are not the only interesting objects on which your admiring gaze is to be concentrated. The varied hues assumed by the hills, specially on a cloudy day, take high rank among the beauties of mountain scenery, and ought to be watched with special interests. In the morning the mountain seem enveloped in a sea of grey mists, and as you toil up and down, brushing the dew-drops on the grass and small shrubs which lie hidden almost in your path-way, and moistening your own garments, hair, mustachios, and whiskers, if you have any, you see nothing around, above, below, behind and before you, but a vast expanse of fog. As you toil on looking through the circumambient mists, the high mountain tops seem to struggle out of them, and smile under streams of glorious sun-light. By and bye the hill-sides make their appearance with streams of fog winding around their green sides, and appearing like silver rivulets rolling around sloping meadows. The heights are now all visible, and the city, with its descending pile of buildings and scattered villas, is seen bathed in the morning dew and radiant with the rising light of the sun. The ravine below you is still a sea of grey units, and in its bosom some hundreds of yards beneath your feet, you see a phenomenon which in the plains invariably appears hundreds of yards above your head, we mean the rainbow, with its magnificent arch and prismatic colors, not so large as that which often hangs over us, but nearly as bright and as glorious. You watch the scene with intense interest till the mists disappear, and the ravine with its warbling stream winding below cultivated slopes appears radiant with a flood of light.

descending from the luminary which has now struggled up from a low position beneath your feet to a high one above your head. But vast masses of clouds, some irradiated with the white rays, refracted and absorbed, some slightly tinged with rosy light, and not a few dark as jet, roll over your heads, and the shadows they cast upon the mountains make them alter their hues as often as they themselves do in consequence of the gradually permeating effulgence of the sun. Here, a lofty hill-top is irradiated by a stream of white rays clustering around it, there, a gently ascending slope is bathed in a flood of rosy light, softened by the living green of its natural garment of fresh grass, yonder a lovely mountain seems covered with a funeral fall in consequence of the shadow thrown upon it by a dark cloud, while near the distant horizon, the color of the hills gradually mingles with the sapphire blue of the sky. It is interesting to watch the varied lines assumed by the hills on a cloudy day, or rather on a day partially clear and partially cloudy, and to think of those changeable moods and frames through which we pass as the varied events of our daily life display their consequences in our hearts and minds. Our principles are the mountains steadfast, immovable, high, majestic, but our feelings, ever fitful, are justly compared to the shifting color which the panorama of mountain scenery presents when the weather is uncertain.

From one of the heights which guard this romantic city, you may have a splendid view of "the snows," or the snow-covered mountains on the north. A sunny day is as great a rarity among these mountains as it is in England, and during our stay of upwards of a fortnight, we had only one perfectly clear morning when we could gaze upon these magnificent spectacles to our heart's content. As soon as we walked out of the house we occupied, we saw a few solitary and detached peaks covered with snow smiling, as it were, propitiously upon us from their ethereal heights. Our hopes were high, and we walked as fast as we could, clearing height after height, in quest of a vantage ground whence to view the scene in all its glory. After a somewhat fatiguing march, we gained a height eminently suited

to our purpose, and the glory that burst upon our eager gaze cannot possibly be pourtrayed. Before us, reposing in the sky, stood a range of snow-covered mountains which appeared to be the ramparts of a magnificent fort made of brilliant silver. A silver stream seemed to wind around its forest-covered, green, mount-like base, and served the purposes of a natural moat. Towards the right, we saw what appeared a vast encampment adorned with milkwhite pavilions of various fantastic forms, and terminating in one of prodigious dimensions, which with its glittering dome might serve the purposes of a Royal Tent. Towards the left, a few scattered tents seemed to smile under the silver walls of the ethereal castle. As we continued gazing upon these magnificent scenes, the sun shone upon the silver piles, and enveloped them in a sea of dazzling brightness, while the mountains below, with streams of melted snow careering along their sides, towered up with outstretched arms ready to support the shining fortifications reposing in the sky. The grand spectacle gave wings to the imagination, and we fancied we saw the denizens of the aerial castle, the angels and archangels to whom is committed the guardianship of this world, standing on the silver ramparts, each clad in an armour of glittering diamonds, looking down upon their solid charge, ready at the bidding of their great Master to counteract the evils ushered in by the impure spirits of the nether world. We could with difficulty cut ourselves either from the glorious scenes before our eyes, or from the pleasing reverie in full motion in our mind, but we had to return, and so with a number of pleasing images and dreams in our minds we retraced our steps homewards, when lo! the spell dissolved as from another place we saw "the snows!" forming one continued range of mountains, rather than split up into a heavenly castle, ethereal pavilions and angelic hosts! How often in our literary investigations are we misguided by partial views of truths eternal and immutable!

The varried hues assumed by these snow-covered elevations cannot be noticed from any height in the vicinity of Almorah with any thing like the interest they inspire when one gazes upon

them from a vantage-ground at Rañee Khet These lofty ethereal hills participate in the kaleidoscopic changes, which are so eminently characteristic of mountain scenery in general, and as they are much more glorious than the mountains on which they look from heights inaccessible, the superficial transformations of color they undergo are proportionately more magnificent In the morning you see a chain of heights incrustated with polished marble, hanging in the air above waves of lofty and forest-clad mountains The sun shines upon them, and the marble crust is converted into one of refined silver, which, as the day advances, becomes more and more brilliant and dazzling until the eye finds it hard to rest upon the glories arrayed before it But your old enemy, which comes so often between your eager gaze and the beauties of mountain scenery on which it is fixed, makes its appearance in these ethereal regions A cloud of white mists rises from the rivers of ice or glaciers below, thickens and expands and ultimately conceals entirely the glittering piles of massive silver before you, and for hours you see nothing but a sea of radiant fog rising into rolling waves, jutting with spires and minarets, swelling into majestic domes, and assuming endless varieties of fantastic forms As the evening approaches with its rosy lights, so lovely to behold in these elevated regions, the snow-covered mountains struggle out of the shining mists, and appear in what may be called their native brightness Perhaps a mass of clouds intervenes, and the snows disappear behind a sea of that sapphire, so soft in color, so beautiful to behold The intervening mass rolls away, and as the rays of the descending sun cluster around the glittering pinnacles, the rosy light of the circumambient skies is reflected in them till they present a scene of glory which literally beggars description With the brilliant changes of color passing over these glorious mountains reposing in the sky above your head, and the varieties of hues assumed by the shaggy and moody hills around and below you, you certainly cannot be in want of proper objects to interest and refresh you

But here we must pause to say a word in behalf of the

pleasures of pedestrianism among those stupendous mountains. If the Babu is a hypochondriac, prone to brood over his own complaints, and therefore incapable of taking any interest in the glories of mountain scenery, or if he is a silken prince, constitutionally unable to perform even ordinary feats of muscular strength, he had better not cross the Rubicon of his native city or village in Bengal. For him the cool mountain breezes do not play, the mountain rills do not babble and brawl, the mountain torrents do not dart and thunder, the mountain forests do not dance and rustle and roar, and the mountain sides do not display their winding roads and serpentine footpaths. If the toilworn Babu is to improve his health, cheer his mind and refresh his spirits, he must convert himself into a hardy mountaineer, give full, unrestricted exercise to his limbs, march up and down, clamber up precipices and toil down declivities, run up inclined planes, lose himself in dense forests, and tread footpath after footpath in trepidation till the royal road seems to glide smilingly beneath his feet. Such exercises will brace up his nerves, broaden his chests, remove all traces of incipient disease from his lungs, spread the bloom of health over his pallid cheeks, and brightness to his eyes, and make him hardy and brave by inuring him to toilsome, fatiguing and dangerous rambles. Pedestrianism in the hills has its annoying mistakes, its gloomy outlooks and agreeable surprises, as well as the hardships, fatigues, recreations, pleasures incident to it. One morning as we were returning from the hills, surmounted by a cenotaph of some historic importance, we lost our way, and found ourselves going down into the ravine rather than going up towards the height on which stood the house we occupied. What were we to do? If we made up our minds to return by the winding road along which we were gliding down, we should have to walk a couple of extra miles, and so we determined to mount up the overhanging mountain along a footpath not very well marked. We commenced the precipitous and toilsome ascent, but when nearly half of it had been scaled, all trace of the footpath disappeared, and we were brought to a standstill. It was fearful

to look up and equally fearful to look down—impossible either to proceed or to recede. But we toiled up, now passing around a huge boulder, then climbing up a watercourse and anon clearing a zigzag with the help of our hands as well as feet, and after some trouble of the sort we had the satisfaction of discovering another footpath before us, and the road we were in quest of gliding about a hundred feet above our head. The remaining height was easily scaled, the road was gained, and the extra walk with its loss of time was avoided, while the serene satisfaction we realize when we have mustered a difficulty was experienced. Contact with difficulties such as this, accompanied with a determination to face and overcome them, can not but tend to diminish the timidity which is a prominent element of our national character.

We happened to be at Almorah when the great annual festival held in honor of its tutelary divinity Nanda Devi was held. This divinity is an edition of the terrible goddess Kali, and its worship consists of bloody sacrifices and midnight orgies, which might be contrasted with the brilliant processions associated with it. As we approached the lofty temple of this goddess in the morning, we saw something like a stream of blood directing our march, and leading us up to the unclosed altar, which was surrounded by a large concourse of people, and from which people were coming out with the decapitated bodies of the victims sacrificed. The work of butchery was finished before midday, and the evening witnessed a brilliant assemblage of spectators with a troop of dancing girls awaiting with great interest the festivities with which the day's devotions were to be crowned. Hindu worship everywhere means consecrated licentiousness, and the Paharis are by no means behind their more enlightened countrymen in the plains, in their attempt to convert a time of solemn devotion and affecting ritual observances into a season of obstreperous mirth and profligate enjoyment. Two or three days were spent in this way, that is amid devotions crowned with licentious festivities, and the evening of the third day witnessed the procession which brought this season of worship

and mirth to a close. A religious procession is everywhere a grand and picturesque spectacle, but it is particularly brilliant and attractive in the hills. In the plains, you see on such occasions a tranquil and many-colored sea of gay holiday-makers, marching forward in shining garments behind glittering frame-works adorned with bedizened gods and goddesses and borne aloft by devout worshippers, while in the hills, you see wave after wave of men, women and children, in gay apparel, marching up and down in harmony with enlivening music, and are reminded of what you learnt, when you took up for the first time your little elementary book on Geography, regarding the ship coming to the shore and first displaying its masts and sails, and then gradually rising up till its hull becomes visible. The place of rendezvous, the place we mean where the procession of Nanda Devi reached its terminus, presented a spectacle which in picturesqueness and varied beauty can never be rivalled by anything of the sort witnessed in the plains. Let the reader imagine himself standing on the brow of a lofty hill, looking down on the procession which undulates about a thousand cubits beneath his feet and which on that account appears to be a moving assembly of Lilliputians. The surrounding heights are all crowned with groups of holiday-makers, while the mountain slopes underneath, with their miniature fissures and projecting crags are thronged with spectators, flaunting their gay dresses, and showing the joy of their hearts in various ways.

We have occupied so much of our available space with a description of the material features of Almorah that we have scarcely any left to give the reader an insight into the social changes brought about by missionary labour and school education within the province of which it is the capital. Nor can we in this article attempt even a cursory description of our journey from that town to Nynee Tal, and of the varied objects of beauty we witnessed in that beautiful sanatorium. The educated natives all over the country occupy the same position and speak the same language. They speak favorably of the British Government but denounce the distinctions between white and black it can scarcely

help in its present circumstances making, decry Hinduism as a perennial source of our national degradation, but look back, or affect to look back with tender regret to the Vedic times, represent Christianity as on the whole a pure system of religion but point out its assumed incompatibility with the spirit of modern science, hold up Christ as a perfect model of virtue, but look upon all attempts to prove His Divinity as futile, talk patronizingly of Brahmoism, but scrupulously keep aloof from its ranks, profess some concern about their souls, but are in reality sunk in secularity and frivolity—every where in the hills as well as in the plains they have eyes which see not, ears which hear not, living far from God, without joy now or hope of a glorious hereafter! Surely our education authorities have not many glorious fruits to boast of

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## SOURCES OF HINDU LAW

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According to the belief of the Hindus their laws, both religious and municipal, are equally founded upon revelation and inspiration. They consist of two portions, of which one preserved in the very words of revelation is called *Sruti*, and the other recorded by persons under inspiration is designated *Smriti*. The former means audition, while the latter signifies recollection.

*Sruti* or direct revelation is the traditional law of the Hindus. It is their supreme religious authority to which appeal is made on solemn occasions, and forms the material ground-work of all the Hindu religious institutions. It constitutes the four Vedas—*Rig*, *Yajur*, *Sama*, and *Atharva*.

By the term *Veda* is meant Knowledge. This knowledge, which is said to have originated with God Almighty, was originally heard by Brahma who revealed it to the Holy Sages, the *Rishis*. When the traditional knowledge was found too difficult for verbal transmission, it was collected, arranged and recorded by *Vyasa Rishi* in volumes. The collections are denominated Vedas.



Since the composition of the Vedas they are held by the Hindus in the highest estimation as their Holy Scriptures. The Vedas are the chief source of Hindu Religion and Literature. But they seldom deal with topics of purely legal nature, though they are the roots of Hindu Law.

The Vedas are generally composed of four parts — Mantras, Brahmanas, Upanishads, and Aranyakas. Mantras or prayers consist of metrical hymns addressed to the natural phenomena partaking of beauty, grandeur and sublimity, such as Air, Earth, Fire, Firmament, Sun and other physical forces which are regarded by all nations with awe and veneration. Brahmanas comprise ritualistic precepts and theological disquisitions, both of which are written in prose. The Upanishads are the detached collections of some of the last mentioned subjects embodied generally in prose, but occasionally in verse. They are said to be of a later period. The Aranyakas of the Vedas treat of the ceremonies and rites to be observed.

The collections from the Mantras and Brahmanas of the Vedas are termed their Sanhitas. There are six Angas or compositions of the Veda collectively known by the designation of Vedanga. They are Siksha, Chhandas, Vyakarana, Nirukta, Jyotish and Kalpa. These are looked upon as auxiliaries, to the Vedas. In addition to the aforesaid six Vedangas there is another work entitled Vedanta, which relates to the interpretation of Vedic Texts.

As to the antiquity of the Vedas it is not, and indeed cannot be, disputed for a moment. No other country than India can be truly proud of so ancient a work as the Vedas. Although the researches of European scholars regarding the age of the Vedas do not lead to satisfactory results, they tend to show that the Vedas are the earliest of all the Indo-Aryan productions.

Whatever might be the exact age of the Vedas, they were known to the Indo-Aryan settlers. During the period of the settlement of the Aryan race in India, the study of the three Vedas—Rig, Yajur and Sama was strictly ordained by the then authorities. But subsequently all the four Vedas were and are

without any reservation read. They are regarded as infallible guides. Some commentaries appear to have been written on the Vedas for the elucidation of their texts.

Among the ancient commentators on the Vedas Bhava Swamin may be reckoned. Strictly speaking, his Commentaries on the Vedas partake more of the nature of a glossary than of a regular commentary. They give only the meanings of the words to be found in the texts of the Vedas. He has written a commentary on the Yajur Veda of which no trace can be found. His comments have been referred to by Bhatta Bhaskara in his Commentary on the Black Yajur Veda. Dhoumya also wrote a commentary on the Yajur Veda, and flourished during the time of the Pandavas. The Text of the Sama Veda has been the subject of a commentary from the pen of Bharata Swamin. At last appeared the Commentaries on the four Vedas and their Brahmanas by Madhava Acharya and Sayana Acharya, both of whom flourished about four centuries after Bhatta Bhaskara. The Commentaries on the Vedas by Madhava and Sayana are greatly indebted to the writings of previous commentaries on the same subject. Great use has been made by Madhava and Sayana of the comments of the earlier commentators, except in the Mimansa disquisitions. These two commentators were brothers, and have been distinguished for the authorship of some works on Hindu Law. Their Commentaries on the Vedas are not only recent but useful in the reading of the Vedic texts.

A rich assemblance of materials for the history and explanation of the Vedas is to be found in the two volumes of Miscellaneous Essays written by the distinguished oriental scholar Mr Henry Thomas Colebrooke. Professor F Max Muller edited the Sacred Hymns of the Brahmanas from the Rig Veda with the Commentary of Sayana Acharya. This edition has been published in five volumes. Under the title of Bibliotheca Indica the first two Lectures of the Sanhita of the Rig Veda, with the Commentary of Madhava Acharya, as well as an English translation of the Text was published at Calcutta in 1848. An edition of the Rig Veda in Sanhita and Pada Texts

with the Commentary of Sayana Acharya has been printed in two volumes Dr Horace Hayman Wilson translated from the original Sanskrit into English the first and second Ashtakas or Books of the Rig Veda The translations have been separately published

Mr F Rosen edited with a Latin rendering the Sanskrit Text of the Prime Book of the Rig Veda Sanhita The Rev J Stevenson prepared an edition and an English version of the Sanskrit Text of the Sama Veda Sanhita An English translation of the original Hymns to the Maruths or the Storm Gods from the Rig Veda was published by Professor Max Muller It is interspersed with explanations Dr A C Burnell edited in Sanskrit with an English translation, indexes and notes, the Samavedhana Brahmanas of the Sama Veda with the Commentary of Sayana Acharya The White Yajur veda containing the Vajasaneyi Sanhita with Madhyandina, the Satapatha Brahmana and the Sranta-Sutra of Katyay has been edited by Dr A Weber The work was published in four volumes at Berlin in 1859

Recollection of direct revelation forms the basis of Smṛiti or remembered law The Smṛiti recites the sense of the doctrines inculcated by the great Deity either in His own words or some other equivalent expressions It contains sacred precepts reduced to writing by inspired personages, and is presumed to have divine sanction Both the religious and the municipal laws of the Hindus are treated of in the Smṛiti The former comprises rituals and religious observances which have been classified under separate heads The rituals, both ancient and modern, are denominated Kalpa or Padhati The latter includes the civil and criminal regulations

Smṛitis are generally divided into three parts called Adhyayas (books) or Kandas (sections) Achara (ritual), Vyavahara (jurisprudence), Prayaschitta (expiation) Achara Adhyaya or Kanda treats of ceremonies, observances and rites It prescribes rules for the performance of religious, moral and social duties of the four castes, Brahmans, Kshatriyas, Vaisyas and

**Sudras** It contains "established rules of conduct, comprising such subjects as education, marriage, funeral rites &c." **Vyavahara Adhyaya** or **Kanda** deals with civil acts and mutual dealings of persons. It comprises rules of private acts and controversies, as well as of administrative law. In short it treats of "the business of life including among many other topics judicature and inheritance." **Prayaschitta Adhyaya** or **Kanda** lays down rules of penance for sinful acts, and dwells at length upon the retribution which is undergone by sin both in this world and the next. Expiatory penances, purifications and other similar subjects, are dealt with in the third division of the **Smriti Shastra**. Questions regarding **Achara** and **Prayaschitta** do not directly concern law, and are, therefore, rarely raised in any court of justice in British India. But they are sometimes discussed for the settlement of disputed points of Hindu Law which incidentally bear upon them.

Threefold works were originally written to define, expound and justify the rituals and customs of the several divisions of the Aryans, owing to the trifling inconsistencies in the texts of their holy books, and differences in their rites and customs. They are respectively called **Kalpa** or **Srauta Sutras**, **Grihya Sutras**, and **Samayacharika** or **Dharma Sutras**. The first dwells upon the great Vedic sacrifices. The second treats of household ceremonies. The third deals with law and customs for individuals. The **Dharma Shastra**, which is founded upon the **Dharma Sutra**, is otherwise known by the designation of **Smriti**. It comprehends the general body of religious and ceremonial observances, of moral duties, and of municipal law. Forensic law is more specially implied, when the **Dharma Shastra** is alluded to. In contradistinction to the **Dharma Shastra** which chiefly concerns religious and municipal laws, the **Artha Shastra** deals with the laws of morality, and is according to modern ethical writers the jesuitical system of ethics which declares that "right and wrong have a relative but little intrinsic meaning." Besides the **Dharma Shastra** and **Artha Shastra** there is another **Shastra** denominated **Niti Shastra** or the law of equity. The dictates

of reason and good conscience form the rules of this Shastra. The Dharma Shastra has been divided into three classes —  
 I Smritis or Text-Books II Vyakhyana or Commentaries  
 III Nibandha Granthas or Digests.

As regards the relative age of the above mentioned works, it is pretty clear from the order in which they are placed. The Text-Books, Commentaries and Digests, are respectively the ancient, mediæval and modern works on Hindu Law, all of which are written in the Sanskrit language. They are considered to be the original authorities of Hindu Law. Most of them are unpublished, and not easily accessible to Sanskrit scholars. Their manuscript copies are not totally devoid of clerical errors and different readings of the same text. But these defects can only be set right at the present time by gentlemen conversant with Sanskrit and Hindu Law Literature. Accurate translations of the Text-Books, Commentaries and Digests of Hindu Law are deemed as exact equivalents for the originals. With the exception of the Text-Books, which have been already observed as the productions of inspiration, the remaining two classes of works on Hindu Law are of purely human authorship. To the aforesaid three divisions of the Dharma Shastria may be added two other classes of works on Hindu Law which are chiefly derived from them, and are now fully recognized as authorities. These are English works on Hindu Law and Forensic Decisions on Hindu Law. Both of them are recent and second-hand. Unsparing use of these two derivative authorities is invariably made by non-Sanskritistic judges and legal practitioners.

The authorities of Hindu Law may, therefore, be conveniently arranged under five distinct heads — I Text-Books II Commentaries III Digests IV English Works on Hindu Law V Forensic Decisions on Hindu Law.

The Text-Books of Hindu Law are the original Smritis, written or said to have been composed by holy sages of antiquity. They are not now regarded as conclusive but corroborative authorities.

The Commentaries on the Text-Books are deemed as authorities next to the texts commented upon, as far as their interpretation goes. The glosses which merely explain the texts of the classic writers on Hindu Law are considered to be of no final authority at the present day. But the commentaries which generally expound the law are respected as final authorities. The Digests comprise the three divisions of the Dharma Shastra, or any two, or any one of them, or a portion of the same compiled from the Text-Books and their commentaries with necessary comments. They are the leading authorities on the subjects treated therein. Many Commentaries on, and several Digests of, the Text-Books, originated with the rise of different dynasties in India, and declined with their decline. These works once gave the law of the territories governed by the dynasties. The English Works on Hindu Law have been composed or compiled by European and Native writers. They profess to treat in a somewhat systematic form the law as laid down in the original Hindu Law. They are looked upon in the light of authorities, and have already secured a place in the library of the Indian lawyer. Forensic Decisions on Hindu Law are judgments passed by Courts of Law in cases involving different points of law. Their number is daily increasing. In point of practical utility, Forensic Decisions are now-a-days held by judicial officers and practising lawyers as first class authorities on Hindu Law. Judicial rulings are in fact the illustrations of the principles of law.

The whole system of Hindu Law is pervaded by the religious notions of the Hindus. Hence a preliminary knowledge of the Hindu religious systems which form an integral portion of Hindu jurisprudence, and bear an intimate connection with it, is indispensably necessary for the right understanding of the legal tenets. The general, special and local customs in vogue, as well as the existing usages of the caste, clan, family and tribe, are also deemed to be an important branch of Hindu Law. Well recognized customs and usages are allowed to override the direct and distinct provisions of the positive texts of Hindu Law.

Before entering into a detailed account of the various doctrines of Hindu Law treated in both the original and derivative sources of the law, it is desirable to take a rapid view of the different authorities respected in different parts of the British Indian Empire

### I —TEXT-BOOKS

In the beginning of the creation the Supreme Being taught laws to Swayambhuba Manu, who himself recollected and instructed them to ten sacred sages, Marichi, Attri, Angiras, Pulastya, Pulaha, Kriatu, Pracheta, Vasishta, Bhugu and Narada. These holy personages are reverentially styled lords of created beings. For the promulgation of the said laws, Manu appointed his son Bhugu, who on his part communicated them to all the Rishis. After the plan of the supreme legislative assembly presided over by the venerable sage Bhugu, who rehearsed the laws of Manu, several other legislative councils were established in course of time in different parties of India, and headed by pre-eminent sants selected by the said assemblies. In the absence of authoritative annals of Hindu legislation it is very difficult to trace accurately the precise localities and exact periods of the several legislative assemblies, or ascertain their respective presidents and proceedings. The Hindu legislators have been grouped under two classes —Ancient or Primitive, and Modern. Ancient law-givers were holy sages of the Bramanic class who assumed legislative authority. Their peculiar qualifications for the office of legislators were, their abstinence from worldly desires and sensual gratification, absolute self-denial, profound devotion to religious and other laudable pursuits, free association with other classes, and ability of understanding the feelings and notions of the people for whom they legislated. They performed to the best of their belief the task of legislation, and enacted such laws as were deemed requisite for the regulation and well-being of the community.

Modern legislators, who were also of the sacerdotal tribe, were for the most part competent and talented ministers or officers attached to the courts of modern Hindu sovereigns for

the purpose of regulating the laws of their territories. Their legislation was mainly confined to the expression of their opinions on such portions of the ancient legislative enactments as were best suited to meet the wants of their days. They were the mouth-piece of their employers, and did what they had been directed to do. These law-givers are the real authors of several Digests of which some have taken their titles from the writer's patitions. The objection taken by some writers to the legislation of the Hindu legislators not being uniform among the different castes is untenable, for uniformity of legislation can never be expected even from the legislature of an enlightened nation composed of persons of diverse manners and customs. The number of the ancient Hindu law-givers varies according to the different lists of different writers, and is even rendered uncertain by the redactions of the names of some legislators. The redactions are Vriddha, Vrihat, Madhyama and Laghu.

The following is an alphabetical list of the primitive Hindu legislators with redactions, which has been prepared from the various lists given by several Native as well as European writers.

|   |                                                 |    |                                    |
|---|-------------------------------------------------|----|------------------------------------|
| 1 | Agastya                                         | 10 | Bhugu                              |
| 2 | Agni                                            | 11 | Boudhayana                         |
| 3 | Angiras                                         | 12 | Budha                              |
|   | (Three redactions A, Vrihat A, and Madhyama A ) | 13 | Chhagalaya                         |
|   |                                                 | 14 | Chhidambara.                       |
|   |                                                 | 15 | Chyavana                           |
| 4 | Apastamba                                       | 16 | Daksha                             |
| 5 | Ashvalayana                                     | 17 | Datta                              |
| 6 | Atreya                                          | 18 | Devala                             |
| 7 | Atri                                            | 19 | Dhoumya                            |
|   | (Three redactions A, Vrihat A, and Laghu A )    | 20 | Gargya                             |
|   |                                                 | 21 | Gobhila                            |
|   |                                                 | 22 | Goutama                            |
| 8 | Bhaguri                                         |    | (Two redactions G, and Vriddha G ) |
| 9 | Bharadwaja                                      |    |                                    |



|    |                                                                       |    |                                                            |
|----|-----------------------------------------------------------------------|----|------------------------------------------------------------|
| 23 | Harita<br>(Four redactions H,<br>Vriddha H, Vrihat H,<br>and Laghu H) | 49 | Paraksara                                                  |
| 24 | Hiranya-keshi,                                                        | 50 | Pitamaha                                                   |
| 25 | Jabali                                                                | 51 | Poitinashi                                                 |
| 26 | Jamadagni                                                             | 52 | Poushura-sadi                                              |
| 27 | Jatukarana                                                            | 53 | Prachota<br>(Two redactions P, and<br>Vrihat P)            |
| 28 | Kanwa                                                                 | 54 | Prajapati                                                  |
| 29 | Kanwa                                                                 | 55 | Pulaha                                                     |
| 30 | Kapila                                                                | 56 | Pulastya<br>(Two redactions P,<br>and Laghu P)             |
| 31 | Karshnaji                                                             | 57 | Rishi-sringa                                               |
| 32 | Kashyapa                                                              | 58 | Sakalya                                                    |
| 33 | Katyayana<br>(Two redactions K,<br>Vriddha K)                         | 59 | Sakatayana                                                 |
| 34 | Koutsyia                                                              | 60 | Samvarta<br>(Two redactions S, and<br>Vrihat S)            |
| 35 | Krishnaji                                                             | 61 | Sandilya                                                   |
| 36 | Kuthmni                                                               | 62 | Santanu                                                    |
| 37 | Kutsya                                                                | 63 | Satatapa<br>(Three redactions S<br>Vriddha S, and Laghu S) |
| 38 | Likhita                                                               | 64 | Satyavrata                                                 |
| 39 | Lohita                                                                | 65 | Satyayna                                                   |
| 40 | Longakshi                                                             | 66 | Shankha                                                    |
| 41 | Manu<br>(Three redactions M,<br>Vriddha M, and Vri-<br>hat M)         | 67 | Soma                                                       |
| 42 | Marichi                                                               | 68 | Sounaka                                                    |
| 43 | Markandeya                                                            | 69 | Sumantu                                                    |
| 44 | Mondgalya                                                             | 70 | Sumati                                                     |
| 45 | Nachiketa                                                             | 71 | Ushana                                                     |
| 46 | Narada                                                                | 72 | Varshayani                                                 |
| 47 | Oupajandhani                                                          | 73 | Vashishtha<br>(Three redactions V,<br>Vriddha V)           |
| 48 | Parashara<br>(Three redactions P,<br>Vrihat P, and Laghu P)           | 74 | Vatsya                                                     |

|    |                                                                      |    |                                                                       |
|----|----------------------------------------------------------------------|----|-----------------------------------------------------------------------|
| 75 | Vishnu<br>(Three redactions V,<br>Vridha V, and Vii-<br>hat V)       | 80 | Vyasa<br>(Two redactions V,<br>and Viihat V)                          |
| 76 | Vishwamitra                                                          | 81 | Wamun                                                                 |
| 77 | Viihaspati<br>(Three redactions V,<br>Vridha, V, and Vii-<br>hat, V) | 82 | Yajnyavalkya,<br>(Three redactions Y,<br>Vridha Y, and Vii-<br>hat Y) |
| 78 | Vyagra                                                               | 83 | Yama<br>(Two redactions Y,<br>and Viihat Y)                           |
| 79 | Vyagra-pada                                                          | 84 | Yaska                                                                 |

It cannot be affirmed that the abovementioned holy sages were the only primitive Hindu legislators who wrote on the Dharma Shashtra, for there might be very likely some other Rishis whose works may be found out by a further search for Manuscripts, or made known by a strict examination of Commentaries, Compilations and Digests. Of the ancient Hindu law-givers mentioned in the preceding list, Apastamba, Ashvalayana, Boudhayana, Gobhila, Harinyakeshi, Katyayana and Parakrama are also well-known for their treatises on the Sutras named after their respective authors. Both the Puranas and the Mahabharata are the sources through which the birth and actions of the primitive Hindu legislators may be very fully known. They serve the purpose of biographical information. The Puranas treat of heroic history and mythology. They are eighteen in number — Brahma, Padma, Brahmada, Agni, Vishnu, Garuda, Brahmavairavarta, Siva, Linga, Narada, Skanda, Markandeya, Bhavishyat, Matsya, Varaha, Kauma, Vamana and Bhagavata. Besides these, there are four Upapuranas, namely, Mudgala, Ganesh, Kali and Sour. The Mahabharata consists of eighteen Parvas — Adi, Sabha, Vana, Virat, Udyoga, Bhishma, Drona, Kurna, Sula, Sanptika, Stri, Santi, Anushasana, Ashwamedhika, Ashramabhasika, Mansala, Mahaprasthanika, Swargarohanika. It is one of the two great epic poems, the other being the Ramayana, of Valmiki. The former details the war between the Kurus, sons

of Dhritarashtra, and the Pandavas, sons of Pandu, for the regaining of their kingdom, Hastinapur (Delhi). It also notices the biographical incidents of many other kings and great men who flourished before the commencement of the war. The latter gives an historical account of Rama, one of the ten incarnations of the great Deity, and son of Dāsaratha, king of Ajodhya. It also narrates, amongst other things, the war which Rama had with Ravana, monarch of Lanka, for the recovery of his wife Seta, who had been clandestinely and forcibly taken away to that place. It is composed of seven Kandas—Adi, Ajodhya, Aranya, Kiskindhya, Sundara, Lanka, Utharakanda. Vyasa Rishi, one of the abovenamed Hindu legislators, and the reputed compiler of the four Vedas, is known as the author of the Puranas and the Mahabharata.

The ancient Hindu Law is chiefly to be found in the collections technically termed *Smṛitis* or institutes, of which the authorship has been attributed to the abovementioned sacred sages. The authenticity of these works is acknowledged by the Hindus.

It is the opinion of the best commentators and scholiasts that the *Smṛitis* bearing the names of the aforesaid saints have been probably recorded from the verbal instructions which they gave to their disciples. The mode in which the institutes are written corroborates in a great degree the assertion of the commentators. Witness the Institutes of Manu, Yājñavalkya, Parāśara and other sages. A few illustrations will be sufficient to justify the opinions of the expositors. In the first four verses of the first chapter of the Manu *Smṛiti*, Manu is described to have delivered his precepts to the holy sages at their humble request. Again, in the fifty-eighth, fifty-ninth and sixtieth couplets of the same chapter of the same *Smṛiti*, it is said that Bhrigu, one of the ten sages who had learnt the code of laws from Manu, was directed by him to repeat the same to all the Rishis, and accordingly he rehearsed the divine code. Yājñavalkya is said in the first two verses of his Institutes to have revealed "the rules of duty in the country of the black antelope" to the Munis, who requested him to deliver them the laws of different castes and

orders. Parashara is mentioned at the outset of his Sanhita to have imparted the precepts of the Dhurma Shastra to his son Vyasa and other sacred sages at their request. The instructions which Manu, Bhrigu, Yajnyavalkya and Parashara imparted to their respective audiences were all oral. It is needless to multiply instances of a similar nature. It is sufficient to refer the reader to the Institutes of the other sages.

It is a matter of surprise to notice the insertion of the names of Yajnyavalkya and Parashara in their own lists of legislators. But the fact is not so surprising as it seems to be at first sight. It is not at all probable that the said two law-givers inserted their own names in their respective lists, but the enlistment of their names was, in all probability, made by their disciples at the time of the composition of the Sanhitas bearing the names of the two great sages. The Institutes of the legislators Nos. 3, 1, 7, 16, 22, 23, 35, 38, 41, 48, 60, 63, 66, 71, 73, 75, 77, 80, 82 and 83 of the preceding list, are considered by some writers to be of superior authority, and termed *Smṛiti*, while the Sanhitas of the remaining law-givers are deemed to be of inferior authority, and designated *Upasamiti*. This distinction is nowhere maintained in practice. Both the classes are equally imperfect at the present day. Parashara ordains in his Sanhita that the ordinances of Manu, Gautama, Shandilya and Lakhita, as well as of his own are respectively appropriate to the *Kṛiti* or Satya (first), the *Tṛiti* (second), the *Dvīpara* (third), and the *Kali* (fourth or present) Yuga. It does not at all appear that this distinction has been practically observed in any age. All and every one of the ancient law-givers are equally venerated next to Manu in point of authority. The Institutes of Parashara which, if it be conceded, were specially composed for this age, and intended to be applicable to it, could not but be highly appreciated by the legal public, were not the Vyavahara branch of his *Smṛiti* entirely wanting. Many treatises are attributed to the same sage. They are called his greater (*Vīṇat*) or less (*Laghu*) Sanhita, or a later work of the writer, when old (*Vīddha*). Generally speaking, the *Smṛitis* of the ancient legis-

lators are not of considerable bulk. They are for the most part devoted to religious ceremonies and daily observances, but incidentally treat of legal topics.

A considerable number of the Text-Books has been destroyed by the ravages of time. Portions of the writings of a good number of the primitive Hindu legislators have also been subjected to the depredations of time. The loss is irreparable, and attributable to the want of due care on the part of the then ruling authorities and persons interested in the preservation of the said works and writings. But a small portion of the Text-Books and writings of the ancient law-givers, which escaped the wreck of time, has come down to the present generation. No other extant Text-Books than that of Manu treat of all kinds of subjects. They are confined to the discussion of such topics as are connected with the Smṛiti only, and differ from the work of Manu in a few instances both in the nature of doctrine and form. Several writers of the Digests of Hindu Law occasionally allude to the Text-Books which are no longer extant. Owing to the absence of genuine chronology, the difficulty of ascertaining the precise time, in which the Text-Books were actually composed, has been greatly felt by the Sanskrit scholars of Europe. They have, therefore, had to resort to internal evidence for the determination of the dates of the several Smṛitis. But the evidence upon which they formed their opinions on the ages of the Institutes of the sacred sages is so much blended with conjectures and hypotheses that it cannot be safely relied upon. The conclusions arrived at by them upon the same evidence are sometimes diametrically opposite. Historical and positive proofs are, however, the only criteria for determining correctly the period of the composition of the ancient works on Hindu Law. Of the extant Text-Books, the Code of Manu and the Smṛiti of Yajnyavalkya are the two principal works on the ancient Hindu Law. But these two Text-Books of Hindu Law do not absolutely exclude all references to the Institutes of the other holy sages, which are also consulted with advantage on many occasions.

Manu is the most ancient and authoritative of all the primitive Hindu legislators. He is described in his *Sanhita* to have sprung from the self-existent Being, and is, therefore, known as *Swayambhuva*. He was the grandson of *Brahma*, and the first progenitor of the human race. *Swayambhuva Manu* was the primeval and supreme law-giver of the Hindus. He flourished in the beginning of the world. From him originally descended six personages, who were thoroughly conversant with the scriptures, exalted in dignity, and eminently powerful. These were *Twarochisha*, *Outhamami*, *Taniasa*, *Roivata*, *Chakshusha* and *Vaivaswata*, the six *Manus*, who were followed by seven more of the same designation. All of them ruled the mundane regions. The place as well as the length of time *Manu* lived are not known.

Mr Arthur Steele says that the *Smriti* of *Manu* is said to have been composed by a *Rishi* of that name in Benares. This statement, unsupported as it is by any authority whatever, is questionable. The extant *Manu Sanhita*, as already observed, has been reduced to writing by some body other than *Manu*. With reference to the place of the composition of the work no evidence has been adduced by Mr A. Steele who seems to rely upon tradition without any foundation. The *Sanhita* of *Manu*, denominated *Manava Dharma Shastra*, is the most ancient of the written laws of the Hindus. It is held in all ages with profound veneration after the *Vedas* in holiness, and forms the basis of Hindu jurisprudence. *Manu* has been invariably followed by other writers of the *Dharma Shastras*, and cited as their undeniable authority. His ordinances were regarded by them with such reverence that no portion of their own writings, which is incongruous with his, was to be respected. Among the subjects dealt with in the *Manava Dharma Shastra* may be noticed cosmogony, metaphysics, ethics, rituals, expiation, jurisprudence, politics, commerce, military affairs, metempsychosis, the future world, as well as other curious and interesting subjects.

Under the head of Judicature and Law the topics treated in the *Institutes* of *Manu* relate to the judicial proceedings as well as to the civil and criminal laws. Of the eighteen principal

titles of law dwelt upon by Manu, and settled as the ground-work of all judicial procedure in the world in his time, the first ten and the last but one directly bear upon civil law, but the remaining titles have more or less reference to criminal law

The eighteen titles of law alluded to are as follows

- 1 Debt and Loans for consumption
- 2 Deposits and Loans for use
- 3 Sale without ownership
- 4 Concerns among partners
- 5 Subtraction of what has been given
- 6 Non-payment of wages or hire
- 7 Non-performance of agreements
- 8 Rescission of sale and purchase
- 9 Disputes between master and servant
- 10 Contests on boundaries
- 11 Assault
- 12 Slander
- 13 Larceny
- 14 Robbery and other violence
- 15 Adultery
- 16 Altercation between man and wife, and their several duties.
- 17 Inheritance
- 18 Gaming with dice and with living creatures

From the description of the above mentioned titles of law, it will appear that Manu has not exhausted or touched upon all the legal subjects. The various topics of Hindu Law, which form the subject of forensic discussion, have neither been fully treated nor referred to by the divine legislator. No methodical arrangement of the subjects discussed by Manu is to be found in his Code. This want of method has been conjectured by Mr James Mills and a few other writers to be more the result of design than that of accident. But this supposition gives way to a more consistent hypothesis of the fact of periodical additions made subsequently to the promulgation of Manu's Laws without any regard to method. Professor Horace Hayman Wilson refutes

the charge of the defective classification of the Laws of Manu brought by Mr James Mills in the following manner —“Confessedly the laws of Manu were intended for an early stage of society, when it is more important to devise than to classify Classification is the business of high refinement, and then, according to our author’s own showing, is never very successfully performed” The Institutes of Manu command veneration for imparting a knowledge of the ancient laws, manners, customs and religious institutions of the Hindus But all that is to be found in the Code of Manu is not in vogue in the present age, for many customs, laws, manners and religious institutions mentioned therein, are not observed by the Hindus of the present day It is said that Manu reproduced the laws of Braham in one hundred thousand couplets, classified under twenty-four heads in one thousand chapters This re-production is known as Vrihat Manu Sanhita It was made over to Narada, who abridged it in twelve thousand verses, and delivered the abridgment to Sumati, son of Bhrgu Narada’s epitome was again abridged by Sumati in four thousand couplets The extant Manava Dharma Shastria, which consists of two thousand six hundred and eighty-five verses in twelve chapters, is a portion of Sumati’s epitome, and is termed the Laghu Manu Sanhita or the minor Institutes of Manu Nowhere except in the Presidency of Bombay, is the Manava Dharma Shastra now viewed in the light of a work of conclusive authority The High Court of Bombay has, however, held in the case of *Pianjeevandas Toolseydas vs Dewcoover Bae*\* that the Sanhita of Manu is one of the current authorities on the Hindu law administered on that side of India

The antiquity of the Manava Dharma Shastra has been acknowledged every where But the precise date of its composition is not correctly given by any scholar, whether European or Indian The estimate formed of the age of Manu’s Code by Messrs Chezy, Deslongchamps, Elphinstone, Jones, Schlegel and Wilson, varies from the thirteenth to the fourth century before the birth of Christ Doubts have been thrown by Dr Max

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\* Bombay High Court Reports, Vol I p 131.



Muller on the authorship of the Manava Dharma Shastra by the old Manu who composed and chanted some characteristic hymns given in the Rig Veda Sanhita. The learned professor is of opinion that there is no reason to suppose that the author of the Manava Shastra actually bore the name of Manu, and concludes from verse 62 of Chapter X of the said work, that its writer alludes to the old Manu as a different person. But this opinion is merely based upon conjectures, and has emanated from the professor's forgetfulness of Bhrigu's rehearsal of Manu's Laws to the holy sages.

Sir William Jones thus describes the Manava Dharma Shastra — "The work, now presented to the European world, contains abundance of curious matter extremely interesting both to speculative lawyers and antiquaries, with many beauties, which need not be pointed out, and with many blemishes, which cannot be justified or palliated. It is a system of despotism and priestcraft, both indeed limited by law, but artfully conspiring to give mutual support, though with mutual checks, it is filled with strange conceits in metaphysics and natural philosophy, with idle superstitions, and with a scheme of theology most obscurely figurative, and consequently liable to dangerous misconception, it abounds with minute and childish formalities, with ceremonies generally absurd and often ridiculous, the punishments are partial and fanciful, for some crimes, dreadfully cruel, for others reprehensibly slight, and the very morals, though rigid enough on the whole, are in one or two instances (as in the case of light oaths and of pious perjury) unaccountably relaxed, nevertheless, a spirit of sublime devotion, of benevolence to mankind, and of amiable tenderness to all sentient creatures, pervades the whole work, the style of it has a certain austere majesty, that sounds like the language of legislation and extorts a respectful awe, the sentiments of independence on all beings but God, and harsh admonitions even to Kings, are truly noble, and the many panegyrics on the Gayatri, the Mother, as it is called, of the Veda, prove the author to have adored (not the visible material sun, but) that divine and incomparably

greater light, to use the words of the most venerable text in the Indian Scripture, which illumines all, delights all, from which all proceed, to which all must return, and which alone can irradiate (not our visual organs merely, but our souls and) our intellects. Whatever opinion, in short, may be formed of Manu and his laws, in a country happily enlightened by sound philosophy and the only true revelation, it must be remembered, that those laws are actually revered, as the word of the Most High, by nations of great importance to the political and commercial interests of Europe, and particularly by many millions of Hindu subjects, whose well-directed industry would add largely to the wealth of Britain, and who ask no more in return than protection for their persons and places of abode, justice in their temporal concerns, indulgence to the prejudices of their old religion, and the benefits of those laws, which they have been taught to believe sacred, and which alone they can possibly comprehend." With reference to the unfavourable remarks of Sir William Jones on the Manava Dharma Shashtra, it may be said that they have been made without any consideration of the real state of things peculiarly adapted to the religious notions of the Hindus.

Irrespective of the blemishes of the Institutes of Manu, the work is distinguished for its very great antiquity and classic beauty, and has undergone several editions and versions from the pen of many scholars of eminent learning. In 1813 the Sanskrit Text of the Manu Sanhita with Kulluka Bhatta's Commentary, which will be hereafter noticed under the head of Commentaries, was published in the Devanagari character at Calcutta. Mr (afterwards Sir) Graves Chamney Haughton, Professor of Hindu Literature in the East India College, edited the original Text of the Manava Dharma Shashtra which was printed in Devanagari type at London in 1825. The Laws of Manu were edited by the French Scholar Monsieur Loiseleur Deslouchamps, and published in the Devanagari character at Paris in 1830. In 1833 an edition of the original Institutes of Manu appeared in Bengali character in Calcutta. The first three books of the Sanscrit Code

of Manu by an anonymous writer (whose name as we learnt from a reliable source was Tara Chand Chakravarti) were printed in the Devanagari and Bengali characters at Calcutta in 1833. A literal Bengali translation of the said books is given with a few notes in Bengali appended thereto. Babu Devandra Nath Tagore is the editor of an edition of the original Text of Manu together with the Commentary of Kulluka Bhatta, in Bengali type, followed by a Bengali version rendered partly by Pundit Yadu Natha Nyayapanchanana, Head Master of the Ahireetola Vernacular Grammar School, and partly by Pundit Bharat Chandra Shiromani, Professor of Smṛiti in the Calcutta Sanskrit College. It was published at Calcutta in 1866. The first five books of the Saṁhitā of Manu have been translated by the former, and the rest by the latter. But the entire work has been revised by the last mentioned Pandit. The Bengali version is evidently a literal rendering of the text. Pandit Jibananda Vidyasagara, B. A., Superintendent of the Calcutta Free Sanskrit College, edited the original Manu Saṁhitā or Institutes of Manu with the Commentary of Kulluka Bhatta. This edition was printed in the Devanagari character at Calcutta in 1874. The earliest English translation of the Sanskrit text of the Manava Dharma Śāstra appeared from the pen of Sir William Jones, the most distinguished linguist, and Chief Justice of the late Supreme Court of Bengal. Dr Theodore Goldstucker, one of the first Sanskrit scholars of Europe who has carefully examined all the current English translations of the original works on Hindu Law, is not at all disposed to entertain a very high opinion of Sir William Jones' version of the Institutes of Manu. Dr A. C. Burnell, of the Madras Civil Service, is also of the same opinion, and speaks of the translation as follows — "It is far from exact, and is elegant rather than critical." The English translation of the Institutes of Manu by Sir William Jones was first published at Calcutta in 1794, and again in 1796. It is also incorporated in his works published by Lord Teignmouth.

A revised edition of Sir William Jones' version of the Manava Dharma Śāstra, with elucidatory notes, by Professor G. C.

Haughton was printed at London in 1825 Sir G C Haughton's edition of Sir William Jones' translation of the Code of Manu does not do away with the absolute necessity for a further thorough revision of the version inasmuch as it gives an inaccurate rendering of many texts of the primeval Hindu legislator Mr William H Morley is clearly guilty of palpable carelessness in stating that Sir G C Haughton has rendered an independent version of the text of Manu, for a reference to the work of Professor Haughton will show that it is a re-print of Sir William Jones' translation with slight alterations The writers of Hindu Law who have adopted Mr Morley's opinion on the nature of Sir G C Haughton's work are likewise guilty of carelessness In 1833 Sir William Jones' translation of the first three books of Manu's Ordinances, accompanied by a revised version of the same, with foot-notes in English added for the justification of the discrepancies, appeared in the edition of the Manava Dharma Shastra by Babu Tara Chand Chakravarti The accuracy of the revised translation is far from being questioned by Dr Goldstucker who considers the translator to be a very competent scholar

The Rev P Percival, Professor of Vernacular Literature in the Presidency College of Madras, presented to the legal profession an edition of Sir William Jones' version of the Manava Dharma Shastra as collated with the Sanskrit text by Sir Graves Chamney Haughton and revised by him The editor, who appears to be a scholar, has not revised Sir William Jones' inaccurate rendering His edition, which is, however, a re-print of Professor Haughton's, contains in addition to what is given therein an introduction imparting interesting information as well as an analytical and a general index It forms the third edition of Sir William Jones' translation of the Institutes of Manu according to the Commentary of Kulluka Bhatta It was printed at Madras in 1863 Mr Standish Grove Grady, Reader on Hindu, Mahomedan and Indian Law to the Inns of Court, edited Sir William Jones' version of the Manu Sanhita as compared with the original text and revised by Professor Haughton

This edition, like that of the Rev Mr Percival, has been reprinted from Mr Haughtons' with an additional advertisement and index by the editor Mr Grady's edition was published at London in 1869 Mr D Richardson translated into English from the Burmese language the Institutes of Manu under the title of Danathal The Code of Manu was rendered from the original into the German language by Mr Huttner in 1797 Monsieur Loiseleur Deslongchamps made a French rendering of the Laws of Manu The version was printed at Paris in 1833. The English translations of the several texts of Manu, occurring in the various Commentaries and Digests of Hindu Law, by different scholars of Europe and India, conflict with one another, and are also at variance with Sir William Jones' rendering Instances of the conflict have been partially noticed by Dr Goldstucker Whatever may be the cause of the disagreement of the English versions of Manu's text, the necessity for the revision of the conflicting translations is desirable The suggestion of Dr Goldstucker for rendering the variant versions consistent and compatible with the original may be practically carried out by competent scholars of the present time

Next to the revered legislator, Manu, in point of importance and authority, but not in order of time, is Yajnyavalkya, grandson of Vishwamitra Yajnyavalkya is described in the Introduction to his Sanhita to have held his legislative council at Mithila Yajnyavalkya's Sanhita treats of Ritual law and expiation in one thousand and twenty-three couplets, and excels the Institutes of Manu in conciseness of arrangement In India the text of Yajnyavalkya with its well-known commentary entitled Mitaksharah which is to be noticed under the head of Commentaries, is the nearly universal authority The age of Yajnyavalkya's Code has not been definitely determined But its earliest date is conjectured to be the middle of the first century after Christ In the years 1812 and 1829 the original text of Yajnyavalkya with the Mitakshara was published in the Devanagari character in Calcutta An edition of the Sanhita of Yajnyavalkya was also printed in Devanagari type at Calcutta during the years 1840 to 1845

Pandit Bhavani Charana Vandyopadhyaya, the late editor of Samachara Chandrika, edited the Sanskrit text of Yajnyavalkya which was printed in Bengali type at Calcutta. Dr A F Stenzler of Breslau is the editor of an edition of the Smṛiti of Yajnyavalkya. The work contains marginal notes showing parallel passages in the Institutes of Manu. This mode of arrangement is extremely useful to the reader in the comparison of the doctrines propounded by the two great law-givers. A German translation of the original Code is also given in this edition. The book was printed at Berlin in 1849. A select portion of the Achara Kandas as well as the entire Vyavahara Kanda of the Dharma Shastra of Yajnyavalkya were translated from Sanskrit into English by Dr Edward Roer, and Mr William Austin Montrieu of the Calcutta Bar. Under the title of Hindu law and judicature the translation was published in Calcutta in 1859. It abounds with many useful and learned annotations. A preface, an interesting introduction and an index are all to be found in their proper places. No exception appears to have been directly taken by Dr Goldstucker to the accuracy of Messrs Roer and Montrieu's translation of Yajnyavalkya's Smṛiti. But it cannot be said that the version is altogether free from imperfections. Mutual conflict of the English version of the same text of Yajnyavalkya, cited in the several Commentaries and Digests of Hindu Law translated by the oriental scholars, has been partially pointed out by Dr Goldstucker. Again, the rendering of Yajnyavalkya's text by Messrs Roer and Montrieu is inconsistent with what has been rendered by different scholars. Instances of the discrepant translations of the same text of Yajnyavalkya are numerous. Hence the absolute necessity of the revision of the conflicting versions of Yajnyavalkya's text.

Atri was produced from the eye of Brahma. He was the father of Datta *alias* Dattatreya, Durvasa and Soma. His name does not appear in the list of the ancient Hindu legislators mentioned in the three verses of the Padma Purana, though given in other lists. A perspicuous treatise consisting of four hundred and fifteen couplets has been written by Atri. It contains

an epitome of the topics treated of in the Manava Dharma Shastra

The Sanskrit text of the Atri Sanhita has been edited by Pandit Bhavani Charana Vandyopadhyaya, the editor of Yajnyavalkya's Smriti, and published in the Bengali character at Calcutta. Besides the Sanhita of Atri there are two other institutes of his own as Vrihat Atri Sanhita and Laghu Atri Sanhita, each of which is in five chapters. The former contains one hundred and thirty-three verses in addition to the prose. The latter consists of one hundred and thirty-four couplets intermixed with an inconsiderable portion written in prose.

Vishnu was an ancient sacred sage who must not be confounded with the Indian divinity, Vishnu. An elegant work by Vishnu partly in prose and partly in verse is in existence. It is written in one hundred chapters and contains five hundred and thirty-nine couplets besides prose. A metrical epitome of the work of Vishnu is also extant. An edition of the original text of Vishnu by Pandit Bhavani Charana Vandyopadhyaya, the editor of the Atri Sanhita, has been published in Bengali at Calcutta.

Of the Institutes of Harita, his greater and less Sanhitas as well as a metrical abridgment of his treatise in prose, are in existence.

The Vrihat Harita Sanhita is composed of eight chapters in two thousand five hundred and sixty couplets. The Laghu Harita Sanhita contains one hundred and eighty-four verses in seven chapters. Ushana *alias* Shukra is the regent of the planet Venus. He was son of Kavi who had been begotten by Bhrighu.

Two metrical Institutes have been written by Ushana. They are respectively called Ushna Smriti and Ushana Dharma Shastra after the name of the writer. These, of which the latter is an abridgment of the former, are both extant. The Ushana Smriti consists of six hundred and twenty-one couplets in nine chapters. The Ushana Dharma Sastra contains in one chapter fifty-one verses.

Angiras was born from the mouth of Brahma. He was according to the Bhagavata the father of Vrihaspati, Utathya and Samvarta, and flourished during the reign of the second Manu.

A concise tract consisting of seventy-two couplets in one chapter has been composed by the above mentioned sage.

The original Sanhita of Angiras has been edited by Pandit Bhavanī Charana Vandyopadhyaya, the editor of the Vishnu Smṛiti, and printed in the Bengali character at Calcutta.

Yama, brother of the seventh Manu, and governor of the world below, is the author of a short treatise containing in one chapter consisting of seventy-eight verses.

Apastamba wrote in ten chapters a work consisting of one hundred and ninety-five couplets.

Samvarta, the son of Angiras, wrote a Sanhita of which an epitome in two hundred and twenty-seven verses is only available in Bengal.

Katyayana composed a tract which is not only complete but lucid. The Sanhita of Kalyayana consists of four hundred and eighty couplets in three chapters.

Vrihaspati was according to one legend son of Angiras, but according to another the son of Devala. He is the regent of the planet Jupiter.

The Sanhita written by Vrihaspati in twelve chapters contains two thousand eight hundred and eighty-nine couplets.

An epitome of Vrihaspati's Code consisting of eighty verses in one chapter is also extant.

Parashara, grand son of Vashishta, wrote in twelve chapters a treatise on Achara and Prayaschitta only, containing five hundred and eighty-one couplets.

The original Sanhita of Parashara has undergone an edition from the pen of Pundit Bhavanī Charana Vandyopadhyaya, the editor of the Text-Book of Angiras. It has been printed in the Bengali character at Calcutta.

Vyasa was the son of Parashara by a fisher woman named Matsya Gandha. He is also known by the name of Krishna.



Dwaipayana, and so called from his having been born in the Krishna Dwipa or Black Island. Among the remarkable compilations of Vyasa are the four Vedas, the eighteen Puranas and the Mahabharat, which have been previously noticed. Of his compositions on the Dharma Shastra, two only are in existence. They are the Vyasa Sanhita and the Laghu Vyasa Sanhita. The Vyasa Sanhita comprises two hundred and forty-one verses in four chapters. The Laghu Vyasa Sanhita contains in two chapters one hundred and twenty-two couplets.

Shankha, brother of Lakhita, is the writer of a metrical treatise on the Dharma Shastra which consists of three hundred and twenty-four verses in eighteen chapters.

An edition of the original Sanhita of Shankha appeared from the pen of Pandit Bhavani Charana Vandyopadhyaya, the editor of the Parashara Smriti. It was published in the Bengali character at Calcutta.

Lakhita, brother of Shankha, has written in one chapter eighty-eight couplets only.

Both Shankha and Lakhita conjointly composed in prose a treatise which has also been epitomized in verse. The joint composition of the two brothers as well as their separate treatises are considered as one work.

There were two sages who bore the name of Daksha. One was son of Brahma known by the designation of Pracheta, and occupied a place among the ten lords of created beings, while the other was grandson of Prachina Varahisha. It seems, therefore, extremely doubtful which of them was the law-giver. The authorship of a work is, however, ascribed to Daksha. In seven chapters the Sanhita of Daksha is written, and contains two hundred and eight verses. Pandit Bhavani Charana Vandyopadhyaya, the editor of the Dharma Shastra of Shankha, edited the Sanskrit text of the Sanhita of Daksha, which was printed in the Bengali character at Calcutta.

Goutama, son of Gotama, who founded a rational system of logic and metaphysics, wrote in prose an excellent treatise in twenty-nine chapters. The Sanhita of Goutama appears to

be more developed than the Institutes of any other venerable sage of antiquity. Although the name of Goutama is mentioned in every list of legislators, texts are often quoted in his father's name. In addition to the above mentioned work, another treatise entitled Vriddha Goutama Sanhita is also extant, and contains in twenty-two chapters one thousand five hundred and two couplets.

Satatapa has written on expiation and penance a treatise of which an epitome containing in six chapters two hundred and thirty verses is extant.

Vashishta was born from the breath of Brahma. He was the preceptor of the inferior gods. The Sanhita of Vashishta is in twenty-one chapters, and consists of two hundred and eighty-four couplets mixed with prose.

In 1845 the original Sanhitas of the immediately preceding nineteen legislators were printed in Devanagari at Calcutta.

The Institutes of the aforesaid law-givers were edited by Pandit Jibananda Vidyasagara, B. A., Superintendent of the Calcutta Free Sanskrit College. The edition was published under the title of Dharma Shastra Sangraha in Devanagari type at Calcutta in 1876.

Kashyapa was son of Marichi, Gargya was the son of the well-known astronomer Gargya.

Narada was begotten by Brahma and again by Kashyapa. He was a sage among the gods, and composed a Sanhita of which one chapter on Civil and Criminal Law is extant. Dr Julius Jolly published an English translation of the extant Sanhita of Narada from the original. The version was printed in 1876.

Pracheta was son of Prachina Varahisha by a daughter of the Ocean. He was father of Daksha. The Smritis of the above-mentioned twenty four sacred sages have been epitomized and collected in the compilation designated Chatur Vinsati Smriti.

Bhrigu was produced from the skin of Brahma. He is, therefore, generally known by the epithet son of Brahma.

Agreeably to one legend, Devala was son of Vishwamitra and grandsire of the distinguished grammarian Panini, but according to another he was the great grandson of Daksha.

Marichi was produced from the mind of Brahma

Pulastya was father of Agastya

Rishi-singa was miraculously begotten in a doe by Vibhandaka

Vishwamitra was the son of Raja Gadhi, a Kshatriya. He was a sage of the military class, and subsequently became a Brahmana on account of his profound devotion. According to the late lamented Bengal jurist, Pandit Bhava Sankara Vidyanatha, the Institutes of the aforesaid holy sages with the exception of Atri as well as those of Boudhayana, Jabali, Kuthumi, Lougaksbi, Pashara, Pothinashi and Sumanti are all compiled in the collection termed Shattrinshun Mathung or thirty-six ordinances. Unfortunately no edition of the Shattrinshun Mathung has hitherto been published for the information of the legal public. At least an edition of the Dharmas Shastras of the preceding seventeen legislators, which are not to be found in the compilation of Pandit Jibananda Vidyasagara, ought to be published.

Agastya was son of Pulastya. But the legendary account of Agastya's birth is that he was produced in an earthen jar by Mitrararuna.

Bharadwaja was the son of Vrihaspati. Budha was the grandson of Atri. He was the son of Soma by Tara, the wife of Vrihaspati.

Chyavana was the son of the planet Shukra (Venus)

Datta *alias* Dattatreya was one of the sons of Atri

Dhaumya was the priest of the Pandavas or sons of Pandu

Soma was the son of Atri by Annasuya, the daughter of Daksha

Wamun, a Brahma Rishi of Hindustan, wrote a tract on Achara, Vyavahara and Prayaschitta

The Sanhitas of Ashwalayana, Bharadwaja, Budha, Haimanya-keshi, Lohita, Prajapati, Sandilya and Sounaka are also extant. Of them some are written in prose, some in verse, and some partly in prose and partly in verse.

Professor A. F. Stenzler considers the Dharmas Shastras of the primitive Hindu legislators Nos. 3, 4, 7, 10, 11, 13, 14, 16,

18, 20, 22, 23, 25, 27, 32, 33, 38, 40, 41, 42, 46, 48, 49, 50, 51, 53, 54, 56, 57, 60, 63, 66, 69, 71, 73, 75, 76, 77, 80, 82, and 83 to be all extant from his having personally met with citations from all of them. He has not, however, been able to meet with any quotations from the law-givers Nos 2, 12, 36, 64, and 67. But the existence of the Text-Books of the holy sages Nos 12 and 36, cannot be questioned simply from the fact of the learned professor's failure to meet with any citations from them. Mr H. T. Colebrooke speaks of the existence of the works of the legislators Nos 5, 8, 17 and 19. Of these the Dharma Shastra of the sage No 5 has been already mentioned to be in existence. Mr Harry Borrardale of the Bombay Civil Service says that the Institutes of the law-givers Nos 6, 35, 43, 45, 65, 74, and 78 are in existence. Mr Wilson states that the Smritis of the legislators Nos 9, 15, 28, 39 and 61 are extant. Among these the first, fourth and last have already been noticed. According to Mr A. Steele the Smṛiti of the sage No 81 is extant.

Babu Shyama Charana Vidyabhusana, the learned author of the Vyavastha Chandrika, mentions the names of the legislators Nos 21, 24, 26, 29, 30, 31, 34, 37, 44, 47, 52, 55, 58, 59, 68, 70, 72, 79 and 81, without any allusion to the existence or non-existence of their Sanhitas, excepting those of the sages Nos 24 and 68 of which previous notice has been taken. The Text-Books of the law-givers Nos 1 and 62 are said by some writers to be extant.

Besides the abovementioned Sanhitas there are the Kokila and Saptarshi Smritis. The latter is, as its name imports, the Smṛiti of seven sages. Wherever the Sanhitas of the aforesaid legislators may be found, they are not all to be had in one place. But a great portion of them may be found in the Government collections of Bengal, Bombay, Madras, London and other places. Many texts, if not the entire institutes, of a greater number of the ancient Hindu law-givers are often met with. In the Commentaries, compilations and digests of Hindu Law, they are occasionally quoted, and are of a fragmentary nature.

The texts of the Smritis of any other sages than those mentioned in Jibananda Vidyasagara's *as Dharma Shastra Samgrahas* have not been published, except the extracts from the *Sanhitas* of Boudhayana and Narada given amongst other matters in Messrs West and Buhler's *Digest of Hindu Law*

With the exception of the English translations of the Text-Books of Manu, Yajnyavalkya and Narada, which have been before noticed, as well as of the extracts from the Smritis of Apastamba, Boudhayana, Goutama, Narada, Vashishta and Vishnu by Dr J G Buhler given in Messrs West and Buhler's *Digest of Hindu Law*, no regular versions of the *Sanhitas* of other legislators have yet been made into English

In conclusion it may be remarked that the Dharma Shastras of the primitive Hindu legislators have been recognized to be the independent authorities and sources of Hindu Law The precepts of the Smritis have, however, been interfered with by usage, and their language has been rendered obscure by time For the true exposition of the law laid down in the several *Sanhitas* recourse must be had to the various commentaries and digests which are now looked upon as the repositories of Hindu Law.

## II — COMMENTARIES

Owing to the abstruse and obscure nature of the writings of the primitive Hindu lawgivers several commentaries and glosses have been written by many learned lawyears of India The comments of commentators and glossators have for the most part rendered the meaning and sense of the obscure and vague texts clear and comprehensible Had there been in fact no interpretation or elucidation of the writings of the ancient holy sages, it would have been very difficult to unfold and grasp their purport A considerable portion of the texts of the ancient Hindu legislators without comment would have been left out at once as quite inexplicable and useless The original and pure Hindu Law does not appear to partake of much confusion or uncertainty, but it has been rendered more confused and uncertain by the speculations of commentators whose comments always abound with ingenious refinements of reasoning

Of the Commentaries some are merely elucidatory of the texts of the Smṛiti Śāstra, while others not only expound them, but introduce citations from other works for interpreting fully and expanding the meaning of the texts commented upon. The latter class of Commentaries has greatly developed the ancient Hindu Law. They are of great importance, and may be properly arranged under the head of Digests. These Commentaries are ultimately received as first in authority on account of their dealing with the doctrines of Hindu Law in such a manner as to leave few material questions undetermined.

Commentators often cite in the course of interpretation nonlegal works, such as the Vedas, the Pūranas, the Mahābhārata, the Rāmāyana, Pāṇini's Grammar and other books in order to impress on the mind of the reader that a spirit of harmony prevails over the whole of the antiquity of India. Where commentators differ in the exposition of the same text, preference is to be given to the comment of the glossator which is consistent with the text, or reference is to be made to the original text itself or interpretation. Nothing from any foreign source should be introduced into the interpretation of any text of Hindu Law. The text should not, however, be interpreted by strained analogies. The Hindu Law contains in itself the principles of its own exposition. Commentaries which explain the texts of the ancient Hindu Law-givers may be divided into three classes, namely — 1 General 2 Special 3 Running. General Commentaries elucidate the doctrines of Hindu Law in general. Special Commentaries deal with the exposition of particular texts. Running Commentaries are those which expound every term, every phrase and every sentence of the original texts. Unfortunately the Commentaries on all the extant Text-Books have not been transmitted to the present generation. But those that are extant are not too numerous.

The names of the writers of the extant Commentaries appear from the subjoined diagram —

*Commentators on the Sanhitas of-*

| Manu                                                                                                                                      | Yajnyavalkya                                                             | Goutama                    | Parashara                                  | Vishnu             | Yama                |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------|--------------------------------------------|--------------------|---------------------|
| 1 Bhagura<br>2 Medha Tithi<br>3 Govinda Raja<br>4 Dharani Dhara<br>5 Kulluka Bhatta<br>6 Raghavananda<br>7 Sayana Acharya<br>8 Nanda Raja | 1 Apararka<br>2 Viswakupa<br>3 Vijananes<br>4 Deva Bodha<br>5 Shula Pani | 1 Hara<br>Datta<br>Acharya | 1 Nanda<br>Pandita<br>2 Madhava<br>Acharya | 1 Nanda<br>Pandita | 1 Kulluka<br>Bhatta |

Bhaguri, one of the primitive Hindu legislators, composed a commentary on the Manava Dharma Shastra, of ancient commentaries on the Text of Manu Bhaguri's is only extant. Asahaya Medha Tithi, son of Vira Swami Bhatta, is the author of a commentary on the Institutes of Manu. He is, says Mr Steele, said to have been a Brahmana of Benares. The commentary has received its title from the name of the writer. A portion of the original commentary was lost, but was subsequently completed by some members of the council of Madana Pala, King of Digh. The Medha Tithi is, according to Mr Steele, of very old date. But it has been reckoned by Sir William Jones among modern commentaries. It was once in great repute. Sir William Jones, however, notices the work as prolix and unequal.

Gobinda Raja is, according to both Sir William Jones and Mr Colebrooke, the writer of a commentary on the Sanhita of Manu. But according to Mr Steele, Govinda Bhatta of Benares is said to have written a commentary on the Text-Book of Manu under the title of Govindarnava. The commentary has evidently derived its title from the commentator, and is not so ancient a work as represented by Mr Steele. It is a modern work, and has been characterized by Sir William Jones as concise but obscure. It was however, at one time held in great respect. Dhara's interpretation of the Text of Manu is reckoned by

Sir William Jones to be often erroneous But his commentary, though modern, was once in celebrity

Kulluka Bhatta, a Brahmana of the Varendra tribe in Bengal, was the son of Devakara Bhatta, and selected his abode on the bank of the sacred river Ganges at Kasī (Benares) This information regarding Kulluka Bhatta is given by himself But, in opposition to this statement, Mr Steele gives a quite different account of Kulluka Bhatta who, according to him, is said to have been a Karnatic Brahmana No authority whatever has been given by Mr Steele in support of the assertion made by him with regard to Kulluka Bhatta The commentary written by Kulluka Bhatta on the Manava Dharma Shastra is entitled Manavartha Mooktavali It is not so old a work as Mr Steele thinks it to be It is the most celebrated commentary on the Laws of Manu excelling all others in brevity, lucidness and utility This is amply borne out by the following observations of Sir William Jones "At length appeared Kulluka Bhatta, who, after a painful study and the collation of numerous manuscripts, produced a work, of which it may, perhaps, be said very truly, that it is the shortest, yet the most luminous, the least ostentatious, yet most learned, the deepest, yet the most agreeable, commentary ever composed on any author, ancient or modern, European or Asiatic" This remark has given great dissatisfaction to Mr William H Morley who says—"Reserving for the Manavartha Mooktavali that unqualified praise in which he occasionally indulged when predilection somewhat warped his judgment" It is not at all a matter of surprise that Mr Morley, who was thoroughly unacquainted with the Sanskrit language and law-literature, should cast reflections on the judgment of Sir William Jones The Manavartha Mooktavali, however, deserves the well-merited eulogy of Sir William Jones

Raghavananda, who is supposed by Monsieur Loiscleur Deslongchamps to be the same as Raghavananda, wrote on the Institutes of Manu a commentary under the title of Manavartha Chandrika This commentary is, according to the French scholar, more precise and lucid than the Manavartha Mooktavali in several



instances To discuss in this place on the propriety or otherwise of Deslongchamps's remark is altogether foreign to the object of the present essay Whatever may be the opinion of Deslongchamps on the comparative merits of the two commentaries on the Sanhita of Manu, it is sufficient to observe that the Manavartha Mooktavali is practically received, and at the same time followed in the reading of the Manava Dharma Shastri

Sayana Acharya, a Sunyasee Brahmana of Anagundi or Vijayanagara, was one of the learned and able ministers of Bukho Raya, monarch of Vijayanagara, and flourished in the middle of the fourteenth century He has written a commentary entitled Madhava after the name of the writer's brother Madhava Acharya The Madhava is often met with in Karnataka as well as in the Mahratta country, and is of general authority, specially in the former Madhava is supposed by Mr Steele to have been composed a thousand years ago Mr Morley is not positive in stating that the Madhava is probably the Parashara Madhaviya He seems to confound, without any reason whatever, the former with the latter, for the two works have been noticed, in their respective places, by the writer as quite different treatises Nanda Raja of Anagundi was a Kshatriya by caste His commentary on the Sanhita of Manu is called Nandarajkrit or the production of Nanda Raja, and has taken its title from the writer's name It is well-known among the Mahrattas and the natives of Karnata

A commentary on the Text of Manu designated Kama Dhenu appears to be extant from the citations made in the Smriti Sara of Sridhara Acharya An edition of the Manava Dharma Shashtra with all its extant commentaries is greatly needed for the purpose of a right understanding of the doctrines propounded by Manu

Of all the commentaries on the Institutes of Yajnyavalkya that of Apararka of the Silara royal family appears to be the earliest The Commentary by Apararka is copious His interpretation of the Text of Yajnyavalkya has been for the most part, followed by the subsequent commentators on the author

Viswa Rupa's Commentary on the Sanhita of Yajnyavalkya appeared next to Apararka's and prior to the other commentaries. The Commentator Viswa Rupa is cited in the commentaries on the Dharma Shastri of Yajnyavalkya which subsequently made their appearance. Viswa Rupa is also referred to in several other commentaries as well as in many Compilations and Digests.

Vijnaneshwara *alias* Vijnan Yogee is said to have been the Prime Minister of Vikramaditya. He subsequently assumed the life of a recluse of the order of Sunyasee established by Shankara Acharya. He was a native of Northern India, and flourished according to Mr. Colbrooke during the period exceeding five centuries and falling short of one thousand years. The commentary which was composed by Vijnaneshwara on the Smṛiti of Yajnyavalkya is entitled Mitakshara. In arrangement the commentator has followed his author, and accordingly divided the Mitakshara into three parts — Achara, Vyavahara and Prayaschitta. The Text has been regularly commented upon. Vijnaneshwara cites the appropriate texts of other law-givers, and interprets them in the course of the explanation of the Text which he professes to elucidate. He reconciles the apparent contradictions between the several texts quoted and those of his author. For these reasons the Mitakshara has attained the character of a regular digest. Both Apararka and Viswa Rupa, the two previous commentators on Yajnyavalkya, are cited by the learned author of the Mitakshara. But no acknowledgement seems to have been made by Vijnaneshwara of the greater portion of the comments of Apararka. The celebrity which the Mitakshara has gained among the Hindus, highly shows its excellence. The work is the highest and most reliable authority on the exposition of the Text of Yajnyavalkya. The utility of the Mitakshara as a regular digest of general authority is evidenced by the universal reception of it in central, northern, southern and western India, where other authorities, but always conjointly with it, are respected as giving the special law of the place. With due deference to the authority of the Mitakshara the special authorities always appeal to it, but rarely differ from it on

questions of general importance. In special points they modestly dissent from it. Mr F W Ellis, late of the Madras Civil Service, says that the Mitakshara is claimed by the southern jurists to be a production of Southern India. The Mitakshara, though a professed commentary on the Institutes of Yajnyavalkya, has, in its turn, been annotated by Viseshwara Bhatta, Balam Bhatta and Nanda Pandita. Viseshwara Bhatta wrote under the title of Subodhini a commentary on the Mitakshara. Brief and perspicuous explanations of obscure passages of the Text have been given in the Commentary leaving few difficult portions unpounded. The work deals only with such interpretation of the Text as has been deemed necessary. Lakshmi Devi, an accomplished lady, fancifully assuming the designation of Balam Bhatta, composed under the title of Balam Bhatta Tika a commentary on the Mitakshara. The commentary bearing the name of Balam Bhatta is in the form and nature of a running one. It is a modern work. Both the obscure and the clear passages are often equally interpreted with copiousness. The Subodhini, as far as it goes, is generally followed by Balam Bhatta in his exposition of the Mitakshara. But the portion of the Mitakshara which had not been commented upon by Viseshwara Bhatta received annotations from Balam Bhatta's pen. The comments of the former which were couched in abstruse and concise expressions have also been rendered by the latter more explicit and intelligible. Nanda Pandita, a learned lawyer born in Southern India, was the son of Rama Pandita. He has written on the Mitakshara a commentary entitled Pratitakshara which appears to be in existence from a reference made to it in a passage in the commentator's gloss on Vishnu. Pandit Durga Prasada Shukla, teacher of Yajur Veda, is the author of a Hindi Commentary on the Mitakshara. The work was printed at Agra in 1873. Mr Colebrooke notices four commentaries on the Mitakshara of which the abovementioned first two only had been seen by him.

Two separate editions of the Sanskrit Mitakshara with the Text of Yajnyavalkya were, as already mentioned, published in

**Devanagari at Calcutta in 1812 and 1829** The original Vyavahara Kanda of the Mitakshara was edited by Pandit Lakshmi Naryana Nyayalankar, and printed in Devanagari character at Calcutta in 1829. Mr Henry Thomas Colebrooke, Chief Judge of the late Sudder Court of Bengal, rendered an English version of the portion of the Sanskrit Mitakshara on Partition and Inheritance. The translation is replete with many useful and interesting annotations. It displays a great deal of the erudition and research of the learned translator. But the version is in many instances imperfect and inaccurate. Besides imperfections and inaccuracies, omissions have been also made in the translation. To remedy the evils both Drs Goldstucker and Burnell are unanimously of opinion that Mr Colebrooke's translation of the Mitakshara must be revised so as to render it an exact equivalent for the original. Both the plan and arrangement of Mr Colebrooke's version of the Mitakshara are somewhat different from those of the original work. Mr Colebrooke has divided his translation into Chapters and Sections, whereas no such division is to be found in the original treatise. Again in the printed editions of the Sanskrit Mitakshara the text of Yajnyavalkya is distinguished from the comments of Vijnaneswara, but no such distinction has been observed by Mr Colebrooke in his translation. The main object of the translator in dividing his version into Chapters and Sections is simply to facilitate reference. The omission of Mr Colebrooke in distinguishing the text from its Commentary does not, however, appear to be intentional. The version of the Mitakshara by Mr Colebrooke appeared first in Calcutta in 1810. But the second and the third editions of the work were respectively published in Madras in 1822 and 1867. Mr Colebrooke's translation of the Mitakshara has been edited with practical notes by Mr Whitley Stokes, Assistant Secretary to the Home Department of the Government of India, now member of Council. It is one of the Hindu Law Books compiled by the learned editor in one volume printed at Madras in 1865, in this edition of Mr Colebrooke's version neither his omissions nor the imperfections and inaccuracies of the rendering have been noticed.

An edition of Mr Colclbrooke's version of the Mitakshara by a Pleader of the High Court was published in Calcutta in 1865. It is supplemented by a preface, an index, a table of succession, and an appendix containing a collection of some precedents relating to points of Hindu Law considered and discussed by the learned writer of the Mitakshara. This edition, like Mr Stokes', supplies neither the omissions of the translator nor notice his imperfect and inaccurate rendering.

Babū Ryendia Missy, Pleader and Reporter of the Calcutta High Court, and Babu Oppokash Chunder Mookerjee, Vakcel of the High Court of the North Western Provinces, edited Mr Colclbrooke's translation of the Mitakshara with additional versions of extracts from the Achara Adhyaya of the original work, as well as from the Sanskrit Vyamitrodya, Parashara Madhva, Nanyaya Sindhu and Hara Lutta, all of which shall be hereafter described in their respective places. In addition to Mr Colclbrooke's preface and index the editors have added a preface of their own, a synopsis of the Law of inheritance according to the Mitakshara, a table of succession, and an appendix comprising sundry notes of important decisions of the Privy Council and the Superior Courts of India. This edition was published in Calcutta in 1869. Although it is superior in many respects to either of the preceding editions, it is altogether silent as to the omissions, inaccuracies and imperfections which are noticeable in the translation.

In 1829 Mr (afterwards Sir) William H. Macnaghten, Registrar of the late Sudder Court of Bengal, presented to the legal profession in an English garb the portions of the Vyavahara Adhyaya of the Mitakshara, touching upon the Administration of Justice, the Law of Evidence and Pleading, and Trial by Ordeal. The translation has been made from the Vyavahara Mutika Pruluan of the Sanskrit Mitakshara. Detached portions of the version appeared in his father's (Sir Francis Macnaghten's) Considerations on the Hindu Law, and were ultimately incorporated in a complete state and connected form in the learned translator's treatise entitled

**Principles of Hindu Law** As to the accuracy or otherwise of Sir William Hay Macnaghten's translation of the *Mitakshara* on Judicial Proceedings and Evidence no opinion has been expressed by Dr Goldstucker, as the subjects of the version are practically of no use In the plan and arrangement of the work, the translator followed Mr Colebrooke.

The English translations of the *Vyavahara Adhyaya* of the *Mitakshara* by Sir William Hay Macnaghten and Mr Colebrooke have been edited by Babu Girish Chandra Tarkalankar, Pleader of the High Court of Bengal In this edition the editor has incorporated his own version of the portion of the original *Mitakshara* on the subjects of Loans, Sureties, Contributions, Pledges, Hypothecation, Mortgages and Deposits, which were not before translated into English By translating these he has supplied the gap left by Sir William Macnaghten in his translation of the *Vyavahara Matrika Prakarn* of the *Mitakshara* The work which the editor has presented to the legal public contains, in addition to Mr Colebrooke's preface and the abovementioned translations, a preface, a chart of the order of succession, a general summary of the law of Inheritance according to the *Mitakshara*, an appendix consisting of a digest of reported cases on Hindu Law bearing upon the subjects treated by Vijnaneswara, a table of cases cited in the appendix, and an index In 1870 this edition was printed at Calcutta Babu Girish Chandra Tarkalankar has not spared any pains to make his edition valuable and useful to the members of the legal profession But he could have undoubtedly made his work much more valuable and useful, had he taken the trouble of comparing with the original of Messrs Colebrooke and Macnaghten's version of the *Mitakshara*, particularly that of the former, and of revising it accordingly The epitome of the adjudged cases governed by the *Mitakshara* does not appear to have been correctly made Although the editor has distinguished the Text of *Yajnyavalkya* from the commentary of Vijnaneswara, he has not adopted the arrangement of the original *Mitakshara*, but that of the aforesaid two translators It is to be hoped that the editor,

who appears to be a competent Sanskrit scholar, and is known for his scholastic attainments, will not fail to revise the translations of the Mitakshara by Messrs Colebrooke and Macnaghton, and to add the version of the rest of the Vyavahara Adhyaya of Vijnaneshwara's Commentary in a future edition of his work. He will not also, we hope, lose the opportunity of correcting the wrong abstracts of the decided cases given in the present edition.

Mr F W Ellis published in 1815 an incomplete translation of the original Mitakshara in Tamil. Pandit Lakshmi Narayana Nyayalankar translated from Sanskrit into Bengali the Vyavahara branch or the Second Book of the Mitakshara. The translation was published under the title of Mitakshara Daipana in Calcutta in 1824. Daya Shankara rendered into Hindi the Law of Inheritance from the Sanskrit Mitakshara. In 1832 the version was printed at Calcutta. A French translation of the Law of Inheritance from the original Mitakshara appeared from the pen of Monsieur G Ollanne in Paris in 1814. Pandit Durga Prasada Shukla Yajurvedee translated into Hindi the whole of the Sanskrit Mitakshara. The translation together with the translator's Hindi Commentary on the Mitakshara was printed at Agra in 1873. Deva Bodha's comments on the Sanhita of Yajnyavalkya are well-known. Shula Panı, a native of Mithila, resided at Saharia in Bengal. He composed on the Institutes of Yajnyavalkya a commentary entitled Dıpa Kalika which, though concise and recent, is in deserved celebrity in Bengal. The mistake into which Mr William H Morley has fallen in stating that Shula Panı wrote a commentary on the Mitakshara is palpably an oversight, for in a previous portion of his Introduction to Hindu Law he correctly speaks of Shula Panı as a commentator on Yajnyavalkya on the authority of Mr Colebrooke. A faithful translation of the entire Code of Yajnyavalkya with all its extant Commentaries into English is absolutely needed for the guidance of the English-knowing judges in the administration of Hindu Law to a comparatively large Hindu population.

Hara Datta Acharya of Dravira is the writer of a common-

tary on the Sanhita of Goutama. The commentary is entitled Mitakshara which must not be confounded with Vijnaneshwara's work bearing the same title. The commentator, in expounding the text of his author, makes occasional citations from the Smṛiti of other holy sages. The text of Parashara has been illustrated by a commentary from the pen of Nanda Pandita, the author of a commentary on the Mitakshara of Vijnaneshwara.

Madhava Acharya was, like his brother Sayana, Acharya who has been previously noticed, well versed in Smṛiti Śāstra. He officiated as the prime minister of two or three monarchs of Vijayanagara in Southern India during the last half of the fourteenth century. He is said to have assumed the life of an ascetic during his latter days. The authenticity of this report is, however, doubtful from the existence of large grants of land made by Madhava Acharya to many erudite persons of the sacerdotal class in his last days. The Madhaviya is a commentary on the Sanhita of Parashara, and has been unquestionably named after Madhava Acharya. On the authorship of the Madhaviya the writers of Hindu Law are divided in their opinions. Mr Bunnell thinks that Madhava Acharya is the author of the Madhaviya. But Sir Thomas Andrew Strange and his adherents ascribe the composition of the work to Vidyaranya Swami, and admit that it has been entitled after the name of the author's brother Madhava Acharya. This difference of opinion naturally raises the question — Who is the real author of the Madhaviya? The answer to this question must be given in accordance with the opinion of the two great Sanskrit scholars, Mr Colebrooke and Dr Bunnell.

Mr Colebrooke mentions on more than one occasion the name of Madhava Acharya as the commentator on Parashara.

Dr Bunnell, whose profound knowledge of the Sanskrit language and law is admitted on all hands, agrees with Mr Colebrooke in considering Madhava Acharya as the author of the Madhaviya on the authority of the Grantha Manuscripts, specially of the one made use of by him which gives the purest text. No importance seems to have been attached by him to the Telugu



manuscripts which mention Sayana Acharya as the writer, inasmuch as they are recent and full of their former owner's corrections. But it must not be understood that Dr Burnell at once cuts off Sayana Acharya from all connection with the composition of the Madhaviya. He allows Sayana to have stretched out his helping hand to his brother, Madhava, during the progress of the work. Dr Burnell is not quite positive like Sir Thomas Strange in observing that the brother of Madhava Acharya exclusively held the title of Vidyaranya Swami. He says that it is not at all certain which of the two brothers owned the title of Vidyaranya Swami, as the manuscripts of the Madhaviya do not agree in this respect. But, notwithstanding this, he clears up the point, on what authority it is not known, that the title of Vidyaranya Swami was held by both the brothers. He ultimately speaks of the fusion of the two into one according to Indian tradition. Sir Thomas Andrew Strange, who was wholly ignorant of the Sanskrit language and law-literature, derived his knowledge of Hindu Law from the Sanskritists whom he had studied. It is not improbable that his information on the authorship of the Madhaviya was drawn from them who might have consulted some manuscripts making mention of Vidyaranya Swami as the author of the work. It is indeed strange that Sir Thomas Strange does not even think fit to allude to the name of the writer of the Madhaviya who held the title of Vidyaranya Swami, or to say whether Vidyaranya Swami was the name or title of the author. It is not a matter of wonder that the non-sanskritist writers of Hindu Law, who blindly adhered to the opinion of Sir Thomas Strange on the authorship of the Madhaviya, should neglect to examine the sources for the purpose of determining its author. For the ascertainment of the real author of the Madhaviya a good number of the manuscripts of the work is to be examined with care.

It is not possible that all the works, in which the name of Madhava Acharya appears, are his actual productions, but it is probable that he exercised superintendence over a great many of them, and composed some. The bad practice of using the

name of a person of influence as the author of a treatise with the sole object of gaining his favor or securing his patronage has been, for a long time, and is even now, in vogue among native writers. This renders the authorship of several treatises doubtful.

The *Madhaviya* is an immense treatise consisting of three sections of which the first two profess to be comments on the extant Text-Book of Parashara. They are collectively designated by Sir William Hay Macnaghten '*Parashara Madhava*'. The third section of the *Madhaviya*, which deals with jurisprudence wholly wanting in the *Parashara Smṛiti*, has received from the said scholar the title of '*Vyavahara Madhava*'. It has been so called by him for the purpose of distinguishing it from the commentary. It does not appear to be founded exclusively upon any thing of Parashara save and except a verse of general import from the *Achāra Kanda* of his Institutes. The verse has been thus rendered into English — "The princes of the earth are in this age enjoined to conform to the dictates of justice." In order to explain what that justice is, the commentator has raised the superstructure of the third section of the *Madhaviya*. The first two sections of the *Madhaviya*, otherwise known by the designation of *Parasha Madhava*, are prolix in some degree, and display more the writer's erudition than the proper illustration of the text. The third section of the *Madhaviya* or the *Vyavahara Madhava* is concise and devoid of originality. It follows both the *Mitakshara* of *Vijnaneshwara* and the *Smṛiti Chandrika* of *Devananda Bhatta* in form and matter, and also the former in arrangement. It does not present any thing important or new, when compared with the citations occurring in those treatises. Generally speaking, the portion of the *Vyavahara Madhava* dwelling upon the Law of inheritance is, with the exception of a few of the last sections, little else than an epitome of the *Mitakshara* on the same subject. Notwithstanding these peculiar characteristics of the jurisprudential section of the *Madhaviya*, the work has actually, and not nominally, become a general digest of law. Mr. Colebrooke thinks that the *Madhaviya* has been evidently based on the *Smṛiti Chandrika*, and is not inferior to it.

in extensive research and copious disquisition. But he does not say which of the two should be preferred, where they might be found to differ. The authority of the Madhaviya has been acknowledged to be subordinate to that of the Mitakshara in the countries where both the works are current.

Mr. J. C. C. Sutherland described the Vyavahara Madhava as "a commentary on Parashara current in Western and Northern India." This description of the Vyavahara Madhava by Mr. Sutherland is not accurate, for it does not profess to expound or illustrate the text of Parashara generally. Dr. Burnell translated into English from the unpublished Sanskrit Text of the Vyavahara Kanda of the Madhaviya Commentary on the Parasara Smriti the Law of Inheritance treated of under the head of Daya Vibhaga. The translation is preceded by a preface and an introduction, and followed by an appendix. It was published at Madras in 1868. No pains appear to have been spared by the learned translator in the collection and collation of the manuscript copies of his author's text. The introduction is well written. It displays a deep knowledge of the subjects discussed therein. The translation is also clear, faithful and intelligible, and has been observed by Dr. Goldstucker as is evident from the following remarks of his — "But in the first place, the same high opinion cannot be entertained of all the translations already mentioned, for, with the exception of the version of the Vyavahara Madhaviya by Mr. Burnell, most of them are often too free and vague to be thoroughly reliable."

Nanda Pandita, the author of a commentary on the Institutes of Parashara, wrote an elaborate and elegant gloss on the Sanhita of Vishnu under the title of Vajayanti. This commentary may, like the Mitakshara of Vijnaneswara, well answer the purpose of a regular body or digest of law. A commentary on the text of Yama has been written by Kulluka Bhatta, the illustrious expositor of the Manava Dharma Shastra. All the preceding commentaries, with the exception of those written by Vijnaneswara, Hara Datta Acharya, Madhava Acharya and Nanda Pandita respectively on Yajnyavalkya, Goutama,

Parashara and Vishnu, are explanatory treatises. They are not all Running Commentaries, but special ones. They explain only the texts of particular sages, whether wholly or occasionally. But the Mitaksharas of Vijnaneswara and Hara Datta Acharya, the Vyavahara Madhava and the Vajayanti, may not only be classified under the head of general Commentaries, but also ranked among Digests of Hindu Law. Among the Commentaries on Hindu Law the Varada Rajya has been improperly reckoned by Mr Morley on the authority of Mr Ellis, who erroneously stated that the work is based on the Smṛiti of Nārada. Although the name of Mr Ellis has not been mentioned by Mr Morley, the opinion of the former on the treatise in question has been given by the latter. But Dr Burnell, differing from Mr Ellis, thinks the work to be formed on the basis of the Saṁhita of Manu. The Varada Rajya is not exclusively founded on the Institutes of Nārada or on the Manava Dharma Shastra, for it cites the texts of other ancient legislators besides Manu and Nārada in addition to what is transcribed from the Smṛiti Chandrika, Vyavahara Madhava and a few other Digests. It may therefore be properly placed among the Digests of Hindu Law, and will be noticed under this head. A general and brief exposition of the twenty-four Smṛitis as abridged in the Chatur-Vinsati Smṛiti together with the abridgment, is to be found in the work entitled the Chatur-Vinsati Smṛiti Vyakhya. This treatise is a good compendium of the doctrines of ancient Hindu Law as laid down and expounded therein. In concluding the review of Commentaries on Hindu Law, it may be observed that the above-mentioned general Commentaries as well as the Digests, are referred to for the solution of intricate questions of law.

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## THE ANCIENT CITIES AND THE GREAT WALL OF CHINA

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We do not know much of China yet, but this at least is generally understood that the country is a very ancient one, and was very early civilised. As the civilisation attained by it has been continuously kept up, we have not many ruins there to examine, and as it has never passed beyond a certain limit the present of the country may well be accepted as an accurate reflection of its past. The picture exhibited by the present is altogether lively and pleasing, and the glimpses seen of the past do not belie that representation to any extent.

The most important place in China to notice is Peking, which is known to the Chinese as a very ancient city, though the seat of empire was not removed to it till the time of Kublai Khan. It stands on a vast fertile plain fifty miles to the south of the Great Wall, and twelve miles distant from the Peiho river, a tributary of which supplies the town with water. The Chinese pronounce the home Pai-Ching, so that Peking is only an approximation to correctness, and not the exact name of the place. The plan of the city is shaped like a square placed alongside of a parallelogram, the square representing the Tartar city, which is called Nui-Ching, and the parallelogram the Chinese city which is called Wai-ching, the former being the newer and more aristocratic portion of the capital. The whole city is walled, the walls of the Tartar city aggregating 16 miles and the walls of the Chinese city nine and a half miles, after omitting the partition which separates the two cities from each other, and this gives to the entire place a total circumference of above 25 miles. The height of the walls is 30 feet, and their breadth 20 at the base, but sloping upwards so as to be 12 only at the top. Each wall is in reality a mound of earth or rubbish encased by brick.

Besides its walls, Peking is usually represented as being encompassed by a wet ditch, but in reality there is no ditch at all places. The walls are surrounded by turrets standing within bow-shot distance of each other. The Tartar city has nine gates which are lofty and well-arched, namely, three on the south side which communicate with and are common to the Chinese city, and two on every other side. The Chinese city has seven gates besides, namely, two on the north apart from those belonging to the Tartar city, three on the south, one on the east, and one on the west.

The Tartar city consists of three enclosures, one within another. The innermost enclosure is called Kin-chung, or the "Forbidden city," and has the shape of an oblong parallelogram of about two miles, indicated by a wall 30 feet high, which is built of polished red bricks and surrounded by a ditch lined with hewn stone. The top of the wall is covered with varnished tiles of a brilliant yellow colour, which from a distance looks like gold. In this quarter of the city are situated the imperial palaces and pleasure grounds, and the abodes of the different members of the imperial household. All the structures are of the best materials, and are the best built in China, and the most important and best built among them are the Emperor's residence called the "Tranquil Palace of Heaven," and the Empress's pleasure ground called the "Earth's Repose." The architecture of China has no resemblance to that of any of the countries we have noticed, and, as a rule, is fantastical in design and tawdry in decoration, but the imperial buildings are nevertheless said to be strikingly beautiful, and their pavilion roofs give them a pleasing appearance, which is heightened by the colouring of the tiles that cover them. The ground all through the innermost city is artificially raised and diversely decorated, the best of the decorations being to be found in the flower-garden of the Empress, which is magnificent. Besides the edifices referred to, there are two public halls in this part of the city which are incrustated with white marble and ornamented with balustrades of excellent workmanship, and a fine marble gateway 110 feet high,

ascended by fine flights of stairs, on which elevation the Emperor takes his stand when receiving the homage of his mandarins

Outside of the forbidden city is the second enclosure called Wang chung, or the "imperial city," which is not so sacred as the forbidden city, but yet not accessible to all. It is surrounded by a wall 20 feet high, and contains numerous temples and palaces of great size, and four very big gates. In the northern part of this enclosure is an artificial hill situated directly north of the imperial palace within the first enclosure, with which it communicates by a distinct gateway. The elevation of the hill is 150 feet, and it is planted and laid out in shady walks. In the western part of the city is an artificial lake more than a mile in length and one-eighth of a mile in breadth, and this is crossed by a bridge of white marble, and is interspersed with small islands. In this division of the city are the houses of the Chinese merchants, all of them one storied, but otherwise as convenient almost as those of the mandarins. The main reason for the private houses being low is that earthquakes are frequent in Peking. The materials of which they are built are also for the same cause not very strong or durable, being nothing more in fact than half burnt bricks, clay, and wood. The third enclosure of the city is occupied by tradesmen and shop-keepers. This quarter is particularly remarkable for some large sheets of water in it and for its gardens for the growth of vegetables. The main object held in view in all the capital cities of the ancient world was to make them in every respect self-sustaining in times of war, and Peking at a pinch can even now raise a large stock of grain and vegetables to feed its inhabitants.

Observed from outside, the town presents a singular uniformity of appearance—one vast surface of pavilion roofs interspersed with trees, the same being broken only by the Emperor's palace, a Llama temple near it, and the artificial hill to which we have referred. The trees within Peking are so numerous that at some seasons of the year the city looks from

beyond the walls as completely shrouded in foliage, but when the trees shed their leaves the appearance is not so pleasing. The roofs of all the more important edifices in the city are painted yellow, red, and green, but this play of colours is not very agreeable to look at. Inside the city the streets are found to be straight, wide-avenued, and clean, and, though not paved, they do not become muddy and impassable except in very bad weather. The shop fronts and the fronts of most of the houses are remarkable for their latticed wood work, which gives them a light and airy appearance. To the west and north-west of the city are several extensive gardens, the suburban residences of the Emperor and his officers of state, and these are eminently beautiful.

The Chinese city is in all respects inferior to the Tartar city, and between the two there is a ditch which can be filled with water whenever their total separation may be deemed necessary. The area of the Chinese city is about equal to that of the Tartar city, but a very considerable portion of it is occupied by the immense courts of the temples of "Heaven" and "Agriculture." Besides those temples there is almost nothing in this division of the city to note, as it is very much like the outer enclosure of the Tartar city to which we have referred. The private houses are generally small, but very little room is needed for the accommodation of a Chinese family. The temples are both of great sanctity, and are frequently visited by the Emperor. There are several other temples also in the suburbs of the Tartar city in every direction, including the temple of the "Rising Sun," the temple to the "Earth," the temple of the "Great Bell," the temple of the "Moon," &c. The Chinese are usually held to be rather indifferent to their religion, being not unoften described as a race of free thinkers. Their temples are nevertheless many in number, and high-storied though not very well built. They are thirty-three in number in and around Peking, and the people congregate very thickly in them, perhaps not to worship, but still to witness the sacrifices and theatrical representations performed in them. The Emperor is the high-priest, and worships for the people, and the people muster strong to see how the



worshipping gets on. The temples are besides the places of fashionable resort during the hot weather, and the higher classes take apartments in them for short intervals, which gives them change of air, scenery, and general recreation. One other noticeable structure in the suburbs of the capital is the observatory, which stands in the south-east corner of the T'utai city. It contains two fine sets of astronomical circles, the one an astrolabe, the other an armillary sphere on beautifully cast bronze stands. The instruments are altogether eight in number, and bear good evidence on behalf of the self-acquired scientific knowledge of the Chinese.

Peking, though an ancient city, survives as the Metropolis of an existing empire, and has no ancient appearance about it, but rather a freshness that scarcely accords with its reputed age. We pass on from it therefore to notice Nanking, which was the original residence of the Emperors till the Tartars obliged the removal of the court towards the northern limit of the Empire, and some very ancient vestiges of the past are here yet to be seen. The word *Peking* signifies the "Northern court," and the word *Nanking* the "Southern court," and the southern was the original court till the thirteenth century, or the age of Kubli Khan and Yoonglo, the latter of whom finally abandoned it. All accounts make it one of the most beautiful and flourishing cities of the ancient world, celebrated alike for its extent, buildings, and manufactures. Its circumference was about thirty five miles, so that it was much larger than Peking, but unlike Peking and other Chinese cities generally it was of an irregular shape, the mountains within its circumference preventing its being built upon a regular plan.

It is impossible to say now how much of the larger area claimed for the city was actually occupied. It had a magnificent palace and several temples, no traces of which remain, but even if it had been as closely built as Peking is, still would one half of the city have remained unoccupied. The only existing monuments of the past in it are an observatory, which is in a very neglected state, the imperial tombs, of which the remains can

hardly be understood, and some remarkable sepulchral statues of gigantic size, which mark the site of the tombs. At some distance from the statues are also colossal figures of horses, elephants, and other animals ready caparisoned and waiting the requisition of their dead masters, in the event of their asking for them.

The circumference of the present city is about twenty miles, and one half of the area is well inhabited. Nanking is still a commercial city of note, and is yet more celebrated as a literary city—the seat of Chinese arts and sciences. It is much liked also for its central position, and yet more for its fine climate, and all these causes together have kept up the standing of the city as the second in the Empire. Its streets are not so broad as those of Peking, but they are well paved. The houses are one storied and low, the gates are very beautiful, and there are some remarkable pagodas in the city, of which one which is about five hundred years old, deserves to be described. This is the famous porcelain tower of Nanking which is superior to anything of the kind in China. It is of an octagonal form, each side of it being 15 feet wide, and it is about 236 feet high. It rests upon a solid foundation of brick-work 10 feet high, from which a flight of twelve steps leads into the tower, which contains a spiral staircase running up to the summit. The body of the edifice is composed of brick, the outer face being covered with a coating of glazed porcelain of various colours. It consists of nine stories, decreasing gradually in size to the top, and at each story is a projecting roof covered with green tiles, with a bell suspended at each corner. Each story forms a saloon, which is finely painted and gilt, and adorned with gilded images. The whole is covered by a gilt conical roof, from which there rises an iron mast 30 feet high and surmounted by a large gilded ball, which has eight iron coils depending from it, with nine bells attached to each. It is not however on account of its dimensions or its bells that the tower has become so famous, but for the coating of porcelain to which we have referred, which produces a brilliancy of effect that can scarcely be conceived.

Among the other great monuments of China is the Grand

Canal called Yuulo, or the Transit River, a stupendous work passing through the great plain from Peking to Hanchoo. It is altogether about eight hundred miles long, and connects in its course the two great rivers, the Hoang Ho and the Yangtse-kiang, at a point when they are one hundred miles apart. Its excavation was commenced in the twelfth century, but appears not to have been completed till the fourteenth, the work having been pushed on with particular vigour during the reign of Kablai Khan, who was very anxious to make Peking, the capital of his choice, accessible to the products of the south. A work of this character, it has been well observed,\* could have been made only by the Chinese, whose mechanical skill and patient industry it is not possible to surpass.

Of this patience and skill the greatest monument perhaps is the Great Wall, the most ancient memorial of China, which has justly been counted among the wonders of the world. It is called Wan-li-ching, or the thousand li wall, and was commenced by Che-Hwangte, in B. C. 246, so that the more ancient parts of it are now more than 2100 years old. It traverses the whole length from Shense to the Yellow Sea, or a distance of about fifteen hundred miles, passing over the tops of the highest mountains which appear to be almost inaccessible, and then descending into the deepest valleys and crossing wide rivers by means of strong substantial arches. The thickness of the wall at the base is 25 feet, diminishing to 15 at the top, the body of it consisting of an earthen mound retained on each side by walls of masonry and brick, terraced by a platform of square bricks. The foundations and covers are of granite, but the casing throughout is of blue bricks cemented with pure white mortar. The height of the wall varies at different places according to the nature of the ground, the average height being about 25 feet. It is surmounted by square towers not more than a hundred paces apart from each other, and these are generally 38, and at some points 48 feet high. Towards the western extremity a great part of the wall, perhaps the most ancient, is only a mound of earth or gravel about fifteen feet high, strengthened with occasional

towers of brick The country over which the entire rampart is carried is, in several parts, extremely wild and hilly, but all difficulties are surmounted with imperturbable industry In some places, to protect exposed passages, the wall is doubled and trebled, and near the pass-gates which lead through it into Mongolia the fortifications are very imposing in appearance The look of the whole wall is grand and striking, particularly where it takes the form of terraces on the mountain slopes, with a mass of lofty scenery closing on the view Labour immense must have been expended over every part of this extensive and wonderful structure, but the end which it was intended to secure, namely, the protection of China from foreign invaders, was never fully attained

The architecture of China is peculiar, but very remarkable in its way The great works of the country are, some of them, of considerable magnitude, but wholly devoid of art and ornament The people seem to have been eminently utilitarian from the earliest times, their land is full of canals, bridges, walls, and embankments, and they cut stone and granite but, as a rule, their public works are more noteworthy for mass, extent, and usefulness than for art The science of building seems to have been exceedingly well understood by them, but a singular want of taste is perceptible everywhere, both among the old architectural specimens and the new Almost the only ornamental buildings in the country are its seven and nine-storied towers, and its private houses Of the first we have described the best, which, like the Taj Mehal of India, was erected to commemorate female worth, having been dedicated as a House of Gratitude to an Empress, of the Ming family The private houses are all well made, well though fantastically decorated, and extremely convenient and the first class dwellings are almost as good, though not either so large or so grand-looking as the imperial palaces The most remarkable peculiarity with all buildings in China is their pavilion roofs, which some imagine to be a reminiscence of the Tartar tents of the people in the past, though the real cause for the adoption of the form is perhaps the climate of the country, the

ains in it being very heavy, which renders a high central elevation necessary to carry down the water from the roof

The evidences of civilisation in China are undeniable, even though that civilisation be of a rather humble and distorted character. It is pertinent therefore to ask how that civilisation was attained. Neither Greece, nor Rome, nor Persia was self-civilized, nor can any country of modern Europe lay claim to that distinction. But the Chinese, like the Egyptians and the Hindus, commenced the world without extraneous help, and, even more especially than the Egyptians and the Hindus, who may have copied from each other, attained what civilisation they can boast of by their own exertions. They have possessed for ages many very curious and useful branches of art, and have greatly excelled in them, but no one has helped them to them, they have not learnt them by imitation. Several of these arts have since been introduced into Europe, but the excellence of the Chinese, in some of them at least, has not yet been surpassed. Mechanical skill has been carried to perfection among them, their industry and ingenuity are unequalled. Their long bridges, great roads, and pyramidal towers are architectural and engineering evidences of this skill, industry, and ingenuity. They dig canals, form gardens, and level mountains more patiently perhaps than any other nation. They are also immitable manufactures of porcelain and bronze, excellent carvers in wood and ivory, very superior workmen with silk and cotton, and this, considering their peculiar position and primitive character, is simply amazing. The fact is, they are able to adapt themselves to any and every condition of life, and always do so without hesitation. There is a strange union of the past and the present in their character as in every thing else about them, and, while wedded to the past ordinarily, they never flinch from accommodating themselves to the present whenever it is of service for them to do so. This is a very favourable trait in their national character. It promises to carry them through as long a future as they have had of the past.

my position Your own ancestors, Mr Editor,—for I suppose you claim Aryan descent—waged a war of extermination against the black skin Read Professor Wilson's translation of the Rig Veda Read Dr Muir's Sanskrit Texts What do you find there? Do you not find that the Aryans, who were a white race, drove before them the Dasyus, that is, the aborigines, who were black? Do not the Vedic writers speak with contempt of the black race? And was there, I ask, in Vedic times social and friendly intercourse between the fair Aryan and the black Dasyu? History is said to repeat itself, and what happened nineteen centuries before Christ is being re-enacted nineteen centuries after Christ What concord is there between darkness and light? What social intercourse can there be between black and white races?

4 Fourthly, we cannot associate with Natives, because Natives do not eat and drink with us Natives think they are holier than we, and do not therefore eat with us What social intercourse can there be under these circumstances? As for those reunions, at-homes, garden-parties, soirees, conversaziones, between Natives and Europeans,—they are a mere sham and a delusion Robinson gives a shake of the hand—I beg your pardon—touches his fore-head with his right hand by way of salaaming, to Joy Gopal Ghose, and says—"How do you do, Baboo?" This is nearly the whole of what takes place in those meetings which are supposed to promote amicable intercourse between Europeans and Natives They do nothing of the sort The European goes away from those meetings, laughing in his sleeve at the idea of having taken in the Native, and the Native goes home swearing that all Europeans are hypocrites This is the nett result of those meetings

5 Fifthly, there cannot be proper social intercourse between us Europeans and Natives, because Natives are not of the same creed with us There are some of my countrymen who affect a charitable or rather latitudinarian way of thinking They think all religions the same, just because they do not believe any religion to be true But that is not the case with the vast majority

of Englishmen. They are Christians, and Natives are idolaters. Under these circumstances, how can there be proper social intercourse between Natives and Europeans? Religion is the great wall of separation. We can never really associate with Natives till Natives become Christians. This is not strange. Why is there not social intercourse between Hindus and Mussulmans? Is it not only because they have different creeds?

6. Sixthly, we cannot associate with Natives, because Natives keep zenanas. An Englishman's house is said to be his castle. And so it is. The winds may howl through its broken windows, the rain may patten on its broken panes. Yet the King or the Queen dare not enter it without leave. And yet we throw open our doors, our homesteads, our hearths, to our friends. Our wives and our daughters join in the friendly chat. With Natives the case is quite different. In their minds wedlock is associated with pudlock. They keep their wives shut up. When a Native visits me in my house, he sees my wife and my daughters, and they speak to him. But when I see a Native, I see him only in what is called his *bantakhana*, where the women do not appear. He never introduces me to his wife, lest, I suppose, I should run away with her. Now, this sort of thing we, Englishmen, do not understand. It may be good manners with Natives, but it is simply unintelligible to us. Now, how on earth can there be social intercourse between a people having such manners and us Europeans?

7. Seventhly, there cannot be social intercourse between Natives and Europeans, because Natives do not educate their women. We look upon not educating women as a piece of barbarism. Our women cannot join with their women in social chat on account of their ignorance, and hence there cannot be proper social intercourse between the two races.

8. Eighthly, there cannot be social intercourse between Natives and ourselves, because Natives have no gallantry. We Teutons have great respect for our women. We adore the fair sex. The Natives, on the other hand, despise women. Their ancient legislator Manu, I am told, says that women eat double

## A DOZEN REASONS FOR NOT ASSOCIATING WITH NATIVES

SIR,

I see from the papers that a Baboo has been recently lecturing at the Bengal Branch of the National Indian Association on the "Impediments to intercourse between Natives and Europeans" in this country. As I look upon such discussions as extremely mischievous and impertinent, I deem it proper to address you on the subject, and produce reasons why there cannot be social intercourse, in the proper sense of that phrase, between Natives and ourselves. There are some of my countrymen living in India, who profess to be anxious to promote social intercourse between Europeans and Natives, but you may take my word for it, that it is a sham and a delusion. They want merely to patronize Natives, to pat them on their backs and say—"You are very good boys." Genuine social intercourse there *cannot be* between Europeans and Natives. For this I will give you a dozen reasons.

1 In the first place, we Englishmen cannot associate with Natives because we are the conquerors and Natives are the conquered. You, Mr Editor, with your ideas of the common rights of man, of Aryan descent, of the equality conferred by education, of Christianity, and of universal brotherhood, may be shocked at this reason. Nevertheless, depend upon it, it lies at the bottom of the whole. You will hear some of my countrymen indulging in fine talk about brotherhood, charity, equality, fraternity, and the rest. It is all moonshine. There is not an Englishman in this country who does not feel that he belongs to the conquering race, and who does not look down upon every Native, however well-educated, however well-placed. A railway guard or driver, if an Englishman, looks with contempt upon a native Rajah or Maharajah, simply because he is a member of the conquering



race I may not justify this feeling. But there it is. "I am an Englishman" is a phrase as magical as the old *Romanus sum*, "I am a Roman." We Englishmen are physically superior to Natives, therefore there cannot be between the two races intercourse on terms of equality. The strong must govern the weak. This is the law of nature, the law of necessity. All honour to Mr. Meredith Townsend, one of the editors of the London *Spectator*, who, when editing some years since the *Friend of India*, had the honesty and the pluck to write in the columns of that newspaper—"The Englishman is the hammer, and the Native is the anvil"—and between the anvil and the hammer the intercourse is only one of hostile collision.

2. In the second place, there cannot be intercourse on terms of equality between Europeans and Natives, because we Europeans are not only physically but intellectually superior to Natives. There are what are called educated Natives. But what is their education worth? Excuse me for speaking plainly. Educated Natives have learnt to spout Shakspeare, Milton and Bacon, they have learnt to gabble at meetings in the Town Hall and in other places, they talk loudly of reform in religion and in manners. But what reforms have they effected? What learned works have they written? What works of enterprise have they engaged in? What invention have they displayed in any department? What originality have they ever shown? Don't talk of Native education. It is only a thin whitewashing—a slight veneering. What intercourse can there be between an educated English gentleman, and an M. A. of the Calcutta University?

3. Thirdly, there cannot be social intercourse between Europeans and Natives, because we Europeans have white complexion, and Natives are black. You will say, here is the crime of colour with a vengeance. No, colour is no crime, it is simply a misfortune. Can you, Sir, deny that black is the proscribed colour of humanity? The Zulus are black, and they are at this moment paying, to a Christian nation, the penalty of their black skin in streams of blood. But why need I go to South Africa for proving

applicable to you, who are a Christian gentleman and clergyman, and therefore entitled to our reverential regard

Believe me,

Sir,

Yours faithfully,

AN ENGLISHMAN

[We feel much flattered with the compliment which *An Englishman* pays to us in his concluding sentence, but we cannot help thinking that our correspondent belongs to that class of Anglo Saxons who do an infinite amount of mischief wherever they go. We trust their number is limited  
*Ed B M*]

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## THE HINDU FAMILY

### CHAPTER II

#### *The pater familias*

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Having traced the origin of families, and marked their development, from necessary to convenient units of society, we propose to enter into a minute discussion of the status and duties of some of their principal members. We propose to show the structure of a Hindu family, and how the several members are united together in one bond of friendship. Our description shall necessarily be prolix, and the only justification for such a course is that, unless it is so, we shall not be able to show, where the elements of strife lie hidden in a state of embryo. We propose to examine the relations, firstly from a social, and secondly from a legal point of view.

The *karta*, that is, *pater familias*, shorn of his primitive powers, as the chief captain, the high priest and the sole magistrate, still in orthodox families wields them in the moral sense of the term. In matters affecting the health and comfort, the education and training of the subordinate members, his rule is absolute. He is the final referee in all matters of domestic misunderstanding and dispute. If a son or daughter is to be

married, *karta's* voice is indispensable to decide their fate. Should he prove obdurate, the marriage is impossible. *Karta* is to dictate what friendships the dependant members are to contract and what to ignore. In the acquisition of property, the gains of the subordinate members are *karta's* own, and in matters of expenditure, his actions are absolutely without control.

Devoid of a liberal education, the *karta* is generally possessed of a strong common sense and sound practical wisdom. His government of the family is more one of terror than of love. His habits are frugal, and this frugality sometimes verges upon parsimoniousness. His favourite authors are Valmiki and Kṛtibas, and he takes delight in the stories contained in their works. He is a good arithmetician, and apart from his being a thorough accountant, is fond of testing the arithmetical skill of his children, by putting many a stiff problem for solution.

The *Karta's* moral education is not of a high order. He must needs be a staunch conservative, and his mind is perpetually after old things and old methods. The good of his family is synonymous with the good of the world in his estimation, and he subordinates the latter to the former. Patriotism, national glory, and all those high sentiments, are to him nothing, if they do not increase the prosperity of the family. Moral culture by means imported from without is impossible, and this accounts for the fact that he is the victim of hopeless superstition. He is not an ardent lover of truth, though he knows that falsehood is a sin, and that to utter it is sinful. To avert loss or to evade payment of a lawful debt, the *karta* is not very scrupulous about telling untruth. When domestic loss takes place, the *karta* is very peevish, however insignificant it may be. Let him but hear that the servant maid has stolen some *pice* he abuses her in the most indecent manner, and brandishes his crutch at her almost Hercules' like. Let but a widow daughter or daughter-in-law spoil the dinner, she is sentenced to live on half rations, sweetened by a volley of abuses.

Though an indulgent parent, the *karta* is at times very stubborn. Whisper to him that his son does not pay spiritual

of what men eat, and that their passions are six times more violent. And Mahomedans say that women have no souls. How can we, with any decency, admit men having such notions into the society of our ladies? If they are admitted, they will be wanting in respect to our wives and daughters. Have you not seen, Mr. Editor, some English ladies standing for want of seats in public assemblies, while close to them were comfortably seated some Bengali Baboos? They do not think it necessary to offer their chairs to the ladies, as they consider themselves to be the lords of creation, and women but as their slaves. I ask any man whether there can be true social intercourse between two races entertaining such opposite views of the fair sex, especially considering that of the society of one of those races women form an essential and a vital part.

9 Ninthly, there cannot be cordial intercourse between Natives and Englishmen, because Natives have no manliness. Some of the Indian races are manly, like the Rajputs and the Sikhs, but those races seek no social intercourse with us. It is the Bengali Baboo who longs for social intercourse with us, and Bengalis are the least manly people in the world. The Zulus, it should seem, are infinitely more manly. Being physically weak, the Bengali has no courage, no manliness. Macaulay justly says, that the Bengali is "feeble even to effeminacy", and that courage, independence, veracity, are qualities to which his constitution and his situation are equally unfavourable. The same eminent writer says, that "the Bengali would see his country overrun, his house laid in ashes, his children murdered or dishonored, without having the spirit to strike one blow." And these are the people with whom we, Englishmen, are called upon to associate! I would infinitely rather associate with the Zulus who seem from what they are doing to-day to be a brave and manly, albeit a savage race.

10 Tenthly, Europeans cannot associate with Natives, because Natives do not fight duels, or at any rate do not resent insults. Give the lie to an Englishman, and he will knock you down at that moment, or challenge you to a duel—he has

so much self-respect. Call a Bengali a liar, and he will only smile. How can we associate with such a mean-spirited people? If a British officer tamely submits to being caned by a brother officer, the officer caned is cashiered, because he shows himself cowardly and therefore not fit to be associated with gentlemen. And we are in this country called upon to associate with men who are habitually and constitutionally cowardly!

11 Eleventhly, we cannot associate with Natives because most Natives have not the bearing of gentlemen. That dignified air, that self-respect, that gravity of port, that stateliness of demeanour, which characterize a true gentleman, are wanting in the Native. A so-called Native gentleman,—I do not speak here of the anglicized denationalized Bengali Baboo who eats beef-steaks and drinks brandy pawnee—is generally one who is not cumbered with much clothing, who puts on slippers instead of boots or shoes, who wears transparent clothing, who squats on the floor or sits in a bed leaning against a pillow, who is always simpering, who frequently chews *pan*, and everlastingly smokes the *hookah*. A thorough revolution must take place in the ideas and feelings of Englishmen before they can associate with this sort of gentlemen.

12 And twelfthly and lastly, Englishmen cannot associate with Natives because Natives are great toadies. There is something disgusting in the sycophancy of the Natives. I have seen a Native of a princely fortune acting the part of a toad-eater to a simple Assistant Magistrate, calling him *huzoor*, *khodawand*, &c. This toadyism is, no doubt, the effect of want of manliness, which itself is the effect of centuries of foreign domination. But whatever the cause, the thing is engrained in the Native. The toad-eating Native may be an object of pity, but he certainly cannot be a fit companion of an Englishman.

Excuse me, Sir, for having spoken plainly on this subject. I am quite sick of the false charity and pseudo-philanthropy of some of my countrymen, most of whom think just as I do, but who have not the courage to say what they think. I need hardly say, in conclusion, that the above reasons are not

obedience to the family priest, and he threatens to disinherit the wayward urchin. As a rule, the *karta* is illiberal and intolerant, and this is due to his want of culture and to his peculiar position as the head

Sometimes, the *Karta's* patience is Job-like. Though ill-treated by his wife and children, he bears it with the greatest composure possible. He is often frank, forgetful and forgiving. He is not very particular about his morals. He is sometimes an illicit lover, but even here he fears exposure and is not extravagant. Thomas Carlyle in his Essay on Mirabeau, complains of the hard and fast discipline which the great revolutionist was subjected to by his old father and attributes the son's excesses to the defective character of the paternal regime. To compare little things with great, your Indian *Kartas* are so many old Mirabeaus. They are great disciplinarians. If *Kartas* had accorded some liberty of thought and action to the younger members of their families, license in Young Bengal would have been a thing of rare occurrence, and Hinduism and beef-eating, *Harinam* and Champagne bottles would never have existed side by side as step-brothers. It is the old story of looseness of morals following hard upon ansterity of morals, of Charles II and his bevy of courtezans following the sanctimonious troops of Oliver Cromwell. He who attributes the demoralization of Young Bengal to English education alone necessarily takes an imperfect view of social sequence, and confounds cause and effect with what are purely coincidences. I shall show categorically how the disgrace attendant upon modern Bahindom is ascribable to thoughtless *Kartadom*. In the first place, look at physical training. Young Bengal is a prey to a diversity of bodily diseases and ailments. Who is responsible for this deplorable state of things? Is it not the *Karta*? Did he ever impart to him a scintilla of instruction to keep his health? If in his boyhood he jumped and played, ran and swam, and was detected in his so-called errors of omission and commission, was not the rod of the tyrant guru mohashoy broken upon his naked back? Was he not put to undergo punishments never dreamt of by Jeremy Bentham? And what

was the result? Instead of betaking to athletic sports and exercises out of doors, he became a confirmed chess-player, whist player, and what not. His limbs became for want of healthy exercise less developed and hardy, and he is now languid and effeminate to the eternal shame of Kaitidom.

As with his physical so with his intellectual training 'Gopal is a good boy,' says the Karta, because he always reads, and he is held up as worthy of imitation by his fellows. Gopal reads and reads, plods and succeeds in becoming in the end a confirmed dunce. He is plucked at the matriculation examination for the seventh time, and the Karta beats his forehead and complains of his ill-luck. Had the Karta followed the homely adage 'all work and no play make Jack a dull boy' in his domestic government, Gopal might have become a Wordsworth or a Laplace and written the "Excursion" or indited the 'Cosmogony of the Universe.'

But this is not all. If the young brats have a taste for a particular study, the Karta thinks it his religious duty to crush it in the bud. How many of them might have become as great musicians as Mozart or Handel, as thorough painters as a Raphael, as profound artists as Arkwright, if the Kartas had left them alone in the free exercise of their tastes and inclinations. The intellect of Young Bengal, as it is, is essentially a hot-house plant. The Fahrenheit of a Karta has all along been keeping it within mean temperature, and it knows no boiling or freezing point. The result is that though Shakespeares and Miltons, Newtons and Herschels, abound in our studio like "leaves thick in Vallombrosa," we are intellectual pigmies, devoid of hard thought and fine feeling.

Our moral and social education is of no higher stamp. We are most zealously taught the rules of Shuvankar, the *ślohas* of Chanakya, and the stories of grand dames. But were we ever taught to love and revere truth, and consider it sacred? Was there any lecture delivered to us about self-denial, patriotism, or such noble qualities? We have imbibed with our mother's milk the notion that the end of all education is lucre, and this

is all the training we have got to make us good numbers of society

In England and in most continental countries, young men, leaving the university, give a finishing stroke to their education, by betaking themselves to travel. They visit places of renown, and hold communion with majestic scenes and landscapes of nature. The Alps fill their young minds with all that is grand and sublime. The lakes of Switzerland and the gardens of Italy impress them with the ideas of the beautiful and the picturesque. The craters of the Vesuvius and Etna inspire them with awe and wonder. Greece reminds them of bravery, of patriotism of man's thirst after the cultivation of arts and sciences—of philosophy and morals. So that after a temporary sojourn, when the young alumni return to their native land, their education has become so thorough, that they can easily adapt themselves to any particular phase of life. They have seen different nations, their manners, customs and government, the resources of their country, the means and appliances at their disposal.

“Look on this picture” Is it not soul-refreshing? But “look on this,” that of an Indian graduate who has bade farewell to his academic results. He is leading the life of a domestic worm,—devoid of all ambition, in broken spirit, and destitute of all animation. He has no doubt learnt to become an affectionate father, a loving husband, and a respected citizen. His mother is always proud of him, in her friendly circles, and considers him as an intellectual monstrosity. The Karta though outwardly rejoicing at the son's successes, inwardly curses him for having become ‘almost a Christian’ with all his education, and what is worse for failing to secure a lucrative employment. The Karta complains that the money spent after the son's education has gone for nothing, as he has not been reimbursed one pice by his son. So that to all intents and purposes, directly his education is finished the son becomes his father's debtor at law. What with this obligation staring in the face, what with his personal wants and those of his wife and children, the young man abandons all idea of travelling into foreign countries, perches



upon the first vacancy in a Government office or Institution and becomes a gentleman at large on £ 15 a year

I pause and ask, who is chiefly answerable for this wreck of intellect? It is the Karta. The Karta had no business to marry his children while they were prosecuting their studies. The Karta had no business to drag them through the university curriculum if he had not had funds to give a finish to their education, and lastly the Karta committed a great sin in expecting from them a refund of what he had expended on their account in rupees, annas and pice

It has been said that the Karta is intolerant and illiberal, but his intolerance knows no bounds in matters of party feeling and party dispute. He is invariably a violent partizan, and his children must be trained to become so. Being a staunch Capulet he hates all the Montagues with the intensest hatred. His petty jealousies, his sneaking propensities, and cowardly habits towards his adversary, render him morally unfit to put a charitable construction upon his adversary's acts, and it will be strange if he makes a distinction between a Jewish priest and a Gentile priest in matters of religion and priesthood. When the Karta is so, there is no wonder that his children should be imbued with all the bad qualities of the head and heart

Many as are the shortcomings of the Karta, it would be a startling omission did we fail to notice one, which appears to be of gigantic proportions. It is so much interwoven with his character, as to have a permanent effect on his disposition and his after relations with the family. The Karta must have issue to perpetuate his and his ancestors' name, at any risk and at any cost. This desire to propagate his species is universal among Hindus—of all castes and nationalities. In attempting to analyse it, we find there is an element of religion at the bottom. Bred up in the idolatrous superstition of Hinduism from his infancy, the horrors of Hell and eternal thirst and hunger with no progeny to offer him the cakes and the libations of water, prey upon his mind, and disturb his natural equanimity. He sees in the distant future none but distant kinsmen inheriting

his effects, and suffering his memory to fall into oblivion. He apprehends hours of sickness coming over him, and he an invalid left to the tender mercies of domestics and distant relatives, and last though not the least, his imagination paints before him the scene of his dead body carried by horrid undertakers and thrown into the river without cremation and the cognate rites. Such are his fears and horrible imaginings. They begin to sap the very foundation of his existence, and suck his life-blood out. He feels disconsolate, man delights him not, no, not the best of women, his wife neither. He loathes food and drinks and becomes melancholy. At last a gleam of hope breaks through the gloom of despondency, and he wittingly becomes a slave to the law of expediency. He asks, "May I not adopt a son, and supply that desideratum which nature has left unprovided for?" In a fit of imbecility, he succumbs to the impulse of this inclination. The inclination is ripened into volition, and he is seen to go through the necessary paraphernalia of adopting a son. Great is his happiness when the adoption takes place, and the celebration of the ceremonies connected therewith happens. Great are the hopes which he cherishes. To his utter disappointment he finds the object of adoption to be quite unmanageable and perverse. If it had been only a negation of filial virtues in the son, the case would have been better, but as it is, it is not only that, but want of gratitude, sympathy and good feelings, which exist even among strangers. Bitterly he curses the hour when he was minded to adopt a child. The child grows up to manhood and gives him no end of trouble. Not to speak of the son's extravagance and debauchery at the expense of the father, instances are on record where the father was entirely deprived of his property through the former's fraudulent machinations, and died of a broken heart.

Where adoption of a son is impossible, the Karta has another alternative to adopt. Without pausing to consider for a moment whether the want of issue was owing to his or his wife's barrenness, he is determined to take a second wife and to try his fortune with her. While in this mood of mind, priests and

Brahmins are not the beings to let the grass grow under their feet. In expectation of making capital out of the unfortunate man's folly, they set before him all the specious logic of the Shastras as have reference to that subject. The Shastras do not advocate monogamy, and the Karta becomes a convert to the philosophy taught in them. Possibly the prospect of a young wife, with all the fascinations of youth and beauty, becomes a good commentary upon the abstruse text of the Shastras, and if there was any thing doubtful in the text the commentary decides his future fate.

Once resolved there is nothing to shake his resolution. True, his wife may have loved him with the deepest sincerity. True, she may have administered to his comforts, and solaced him in the hour of tribulation, as no other body could have done. True, she may have been his guardian angel directing him to right and preventing him from going astray. But all this does not occur to him now. They were trifles for which she was paid in money, jewels and clothes, and the obligation has since been discharged. A second wife is proposed in earnest, deliberated upon with eagerness and resolved upon. Sometimes these acts are done before the wife and her consent taken, precisely in the way in which the public executioner takes the consent of his intended victim. Sometimes the consent proceeds voluntarily from her, as prudence suggests to her no better alternative. Sometimes upon the husband's will, the wife seals her hard consent. But in the generality of cases, the marriage takes place irrespective of her sentiments and knowledge. We have heard many a story of husbands bidding a hearty 'good bye' to their wives in the morning and presenting to them at night a girl as their rival. When this sort of marriage takes place with the knowledge of the wife, she makes the necessary arrangements of the nuptials herself. Many a tear she sheds, many a sob escapes from her, as she eyes with dismay the portentous cloud ready to burst upon her. But her doom is sealed, and she throws herself entirely on the chapter of accidents, reckless of weal or woe.

As a general rule two co-wives cannot agree and have never

agreed. There are rare exceptions to this, and if co-wives have ever behaved like sisters, the credit was due to the tact of their husband or to the forbearance of one or both of them. Sometimes it is the intercession of the husband's parents that compels him to be just to both the wives. We know of a man's mother who always dictated to him which wife he was to visit and when, and this dictatorial authority supported the connubial equilibrium, however the balance of inclination preponderated in favor of the younger and lovelier wife. But mothers of this stamp are very rare, and such filial obedience is still rarer, it is the bent of the mind that rules the day, and as a fact of unquestionable notoriety the younger wife is beloved, her compeer hated. Jealousy and the kindred vices which human flesh is heir to, predominate to an enormous degree, and instead of peace and happiness, the house rings with the din of sharp conflicts and perpetual discord. The poor husband, placed between Scylla and Charybdis, loses his senses, and either banishes the old wife in a fit of anger, or patiently listens to the thousand and one altercations between the two and curses his own folly. While desperate in the conflict, each assails the chastity of her adversary, and both stand damnified in their lord's presence. People in this predicament are afraid of being poisoned any time, and it so happens that in partaking of food they display an amount of caution of an unprecedented character. An octogenarian zemindar who had two wives, never tasted any sweet meats before making his dependants partake of them, and waiting for some time to see if there was any poison to act on them. And in some cases husbands have been poisoned by the neglected wife, but these are happily few.

These are the evils which flow from the karta's insensate desire to have progeny to perpetuate his name. Even if the evils had not existed the desire itself was condemnable on broad social grounds. To an impartial observer of men nothing is more clear than the vast difference between an Indian karta and an Englishman, both destitute of children. To the former to be without issue is a misfortune, to the latter it is a matter of

almost no consequence. If the latter is possessed of wealth and property, possibly he may feel Macbeth-like the want of heirs of his body, but beyond engendering a temporary discomfort it has no permanent hold on his mind. The Indian Karta broods over the so called misfortune so as to severely tell on his body and mind. Among Englishmen it is a misfortune with the upper ten, with us it is general. The result is that, whereas the Englishman adopts society as his child, we amass wealth to enrich distant kinsmen and greedy reversioners.

It would be a national libel to avouch that we do not know what charity is, but it must be said at the same time that charity does not flow with such liberality and spontaneity as in England. In England men can afford to remain bachelors all the days of their lives. They have no 'Put' or Hell to be afraid of. They do not care to be rescued from Hell by their children. They are not anxious that their sons should apply the holy fire to their corpses. Hence there are in England charities and endowments countless in number, whereas our charities are few, and even very few have proceeded from sheer disinterested motives.

As the domestic governor the karta is sometimes apt to be partial. His affection towards such of his sons as earn money is great, but towards the idle and do-nothing he is hard, not to say unkind. While he is assiduous in promoting the happiness and comfort of the former, he considers the doing of that duty towards the latter as a heavy burden.

The karta is always an expectant of his children's earnings. To appropriate them to the use of the family and his own, he considers as a lawful desire. When disappointed in his expectations, he feels greatly distressed. Nothing is so charming to his imagination as the prospect of absolute rest in his old age, and he living upon his children's gains. This prospect exercises no small influence on his after-life. He leaves his own avocations and drags a life of utter indolence and inactivity.

In matters of religion the karta is generally a bigot. He believes in the superstitious idolatry of ages. It is because he

is so, that priests and Brahmins have such a hold on his thoughts and feelings, to the utter disgust of the younger members of the family

Circumstanced as the Hindu families are, the *karta* must necessarily be the custodian of all property acquired by himself and the members of his family. On him devolves the task of looking to the balance sheet of the body over which he is destined to preside. It is doubtful, how far he is honest and faithful in discharging his sacred trust. Where sons and nephews are under his charge, the *karta* has been found in many cases to be unjust to the latter. He is unscrupulous as against them and brother's widows, and his fiendish glory to triumph over their lawful rights has cast a stigma upon the name of *karta* dom. In bringing about the triumph, he would leave no stone untuned, no chicanery or falsehood however base it may be unused, and the records of our law courts bear this out.

Having described what an Indian *Pater familias* is, and what his domestic and social relations with his subordinate members are, we propose to enter into an examination of his legal rights and obligations.

Firstly, in regard to the acquisition of wealth, the *karta's* power is of course unlimited so far his own gains are concerned. Where his sons acquire property by dint of labour, or where such acquisition is made with the aid of his funds, the *karta* has a half share in it, \* from this it follows that he has power to possess and enjoy such property along with his children.

Secondly, relating to the transfer of property, the *karta's* rights labour under a certain amount of legal restriction. He has no right to convey by sale, gift or otherwise, what has been acquired by his children, over and above his lawful share. Under the Mitaksara school of Hindu Law, the *karta* is the sole master of moveables, but he cannot alienate ancestral property without the consent of his children †. The *karta's* self acquired property is however subject to such alienation. Ancestral property is alien-

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\* Dyabhaga pp 60, 63 and 64

† Mitakshara p 254

able under the Bengal school by him \* Possibly, the framers of the Hindu code had in contemplation when they legalized these restrictions, to preserve the corpus of the property intact, or they stood in the way of strangers being inducted into the possession of the family property In the case of partition of property ancestral or self-acquired, the power of the *karta* is absolute † He may effect an unequal partition or may exclude any son from inheritance This may be a sinful act but it is nevertheless valid in law

The law of Benares prohibits an unequal partition by the *karta* of property ancestral and self-acquired

In the case of sons born after partition, he becomes sole heir to the residue of the *karta's* property Should there be no residue, "the other sons are bound to contribute to a share out of their portions" ‡ Where the *karta* has another wife, and childless she is according to the opinion of the Hindu sages to have a share equal to the son's, but such of the wives as have children are not to have any

The *karta* has dominion over his wife's *Stridhan*, or her separate property He has the power to possess it, and consume it in the case of distress ¶ The Dayakrama-Sangraha would allow her to alienate such property with the consent of her husband, || but this condition is, we venture to think, more moral than legal

Though the Hindu Law is silent about testamentary disposition of property, *karta* is fully competent to devise it away in any manner he thinks fit, by a will or gift §

The *karta* is also competent to be the legal guardian of such of the members of his family as are minors, though they do not happen to be his sons He can administer their estates, collect the debts and pay off liabilities But he is bound to submit a faithful

\* Macnaghten on Hindu Law, p 17

† Wilson's Hindu Law, p 54.

‡ *ibid*, p 50

¶ Colebrooke's Dayabhaga, p 100

|| Dayakrama Sangraha, p 18

§ Wilson's Hindu Law, p 4 (note)

account of all receipts and disbursement to the principal Civil Court of original jurisdiction, as required by Acts XXVII of 1860 and 40 of 1858. In matters of administration, he is considered as the minor's next friend, and as such he can sue and be sued on the minor's behalf. As the legal guardian, his acts cannot bind the minor, unless they are absolutely done for his benefit, or unless he ratified them on arriving at majority\*. If the acts of the guardian are not *bona fide*, they are nullities as against the ward. In this respect, the Indian law is on all fours with the English law, and the coincidence is due not to any local causes, but to those principles of natural law imbedded every bosom, the object of which is to afford full and complete protection to persons labouring under a legal disability.

In the absence of other heirs, the *karta* inherits the property of a deceased son,† and on the *karta's* death, it becomes inheritable by his lawful heirs.

These are the legal rights of the *Karta*. His duties and liabilities require some notice. He is bound to support his wife and children. Should he neglect to do so, a suit for maintenance can be brought against him. He is further liable to a prosecution under the Criminal Procedure Code, for an offence against society.

No doubt the Hindu law empowers the *karta* to appropriate to his own use his children's gains, but it did not provide for any procedure by which they are to recover their share. This difficulty has now been removed, and he is liable to be sued by his children, and in a celebrated case‡ Mr Justice Phear has held, that the *karta* is in the eye of law a manager of property, and as such is bound under certain circumstances to render an account of all receipts and disbursements of the family. Under the Hindu law, the *karta* is liable to a suit for partition at the instance of a brother or other legal co-sharer. He is also responsible to make good to the shareholders, mesne profits enjoyed by him, and to

\* Manuman Prasad Panday, Moore's Indian Appeals

† Colebrooke's *Dayabhaga*, p. 217

‡ Chukun Lal Singh *versus* Poran Chunder Singh 9 W. R. 483



compensate for all waste and damage done to them in the matter of the joint property. The *karta* has been relieved of one or two civil liabilities. Under the Hindu law the maintenance of a widowed daughter-in-law was considered as a charge upon his estate, and in many cases it was felt as a sore grievance. Widowed daughters-in-law left his roof and at the instigation of their parents and friends extorted from him sums of money in the shape of maintenance or put him into court. Under the celebrated ruling of Sir Barnes Peacock\* this is impossible now. He is not now legally bound to maintain a widowed daughter-in-law who has separated from the family, unless there is property charged with her maintenance. A *karta* is also not legally bound to support a grown-up son, and this point has also been authoritatively settled by the highest tribunal of the land. The discharge of the *karta* from these civil obligations is a matter of congratulation. While on the other hand, it has made his funds less hampered than heretofore, it would, we hope, be an incentive to grown up sons to work for their bread, and at the same time convince them of the necessity of making provision for their widows in case of their dying in his life-time. It is also hoped that this non-liability of the *karta* would stimulate the young widows to work with the sweat of their brow, or what would be a coosummation devoutly to be wished, force them to remarry, and thereby cease to be so many dead weights upon society.

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\* Kashinath Das vs Khetter Moni Das 9 W R 413

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THE HINDU FAMILY

CHAPTER III

*Mater familias*

The second character in a Hindu family is a female. She is the *Grihini* or *Mater familias*. What the *karta* is to all the members of the family, that the *Grihini* is to its female members. In families in which the warfare between the young and the old has not commenced, the *Grihini* is looked upon with awe and reverence. Her reign is almost supreme, and she sits as sole arbitress, where female members are parties to a domestic cause. Her decisions are final, unless she choose to refer a particular case to the *karta*. The position of the mistress in a Bengali family has about it a halo of romantic interest. Without a particle of education, she is at once a *Saraswati* (goddess of learning) superintending, with the beads in her hand, the tuition of the young ones, and spicing it with many an entertaining anecdote. Without possessing considerable wealth, she is the queen or the goddess of riches, distributing to her children copper pieces, wherewith to purchase sweetmeats, toys and knick-knacks. Being in charge of the domestic commissariat, her charity in the distribution of food is proverbial. As an excellent cook, she regales the family with all sorts of delicacies, and when *karta* returns home from a distant land, she tries to set before him the best specimens of her culinary art.

The *grihini* generally leads a life of self-denial. Her personal comforts are few and not cared for. She lives upon the

coarsest of meals, and clothes herself in the commonest of raiments. She works from dawn till midnight, and in her sleep dreams of the work to be done on the morrow. She fasts twice or thrice in the month, and keeps vigils for securing the blessings of the gods towards her children, and to make assurance doubly sure, commands her daughters and daughters-in-law to follow her example. These fasts and vigils make her more hardy, and therefore the *grihini* is seldom ill.

Sometimes on the occasion of these fasts, she satiates her desire after delicacies, and while loathing her daily ration of rice and dahl (pulse), she makes a sad havoc of an array of *loochies*,\* *chapatis*† sweet meats, fruits and cakes, the sight of which makes one's mouth water. But to her credit, it should be said that, in partaking of these dishes she is neither exclusive nor forgetful of her children.

The *grihini* is generally a terrible liar. She is foremost in concealing the faults of the children from the notice of the *harta*, and with that object in view she tells him most egregious lies. She is always partial to her daughters, and if she has any money or valuables to bestow, her daughters are preferred to her son or son's wife. Where her daughter or son falls out with the daughter-in-law, she is sure to side with the former, and by means fair or foul would triumph over the latter. To make her adversary a poison in the eyes of her husband, the *grihini* would invent all sorts of falsehood.

When very young, and generally before she attains the age of puberty, the daughter-in-law is viewed by the *grihini* as a great favorite. She is taken from house to house, made to fall prostrate before all mothers who bless her as follows, "Do thou bear the vermillion spot‡ on thy hoary head, and may thy iron wrist¶ undergo wear and tear, and do thou bring forth a male child." Her veil is lifted up to show a fine face, even teeth and lotus-like eyes, a short mouth, an aquiline nose, a pair of

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\* Fried Cakes

† Unbaked bread

‡ An emblem of *feme covert*

¶ Ibid

black eye-brows and long raven-like hair. Her admirable symmetry of limbs, nice feet and quite charming gait, are frequently admired. One *grihini* says, "My daughter-in-law exquisitely arranges clothes, crushes betel-leaves and cleans vegetables for the use of the kitchen. Another extols the practical wisdom, the keenness and foresight of her daughter-in-law, and a sort of rivalry is kept up between the two mothers-in-law. But in the midst of these encomiums and plaudits the situation of the daughter-in-law is disconsolate. It is her sad lot to have the worst food, to eat long after the male members have ceased eating, and some times the refuse of the family table is allotted to her. Hungry she may be, but it is immodest to ask for food, and if she does it, *grihini* proclaims her to be a "begger's daughter," and this report spreads like wild-fire from house to house. If the daughter-in-law to appease her hunger clandestinely takes any food, she is denounced as one who eats from the earthen pots. If her parents send her any food, *Mater familias* growls like an infuriated tigress. A daughter-in-law who eats sparingly is an incarnate goddess, who eats otherwise is an Amazon. Her training is nothing unless she can subdue hunger and fatigue, disease and death. Should she be sick, *Mater familias* thinks she had no reason to be so. She is left either without treatment or packed off to her father's to become whole and entire at his cost. If treated, the treatment is generally by spells and charms, sometimes with indigenous drugs, and the moment she gets well, *Mater familias* rebukes her for not having taken proper care of her health. Another torment the young daughter-in-law must put up with. If her father sends her any presents of a tute sort, she becomes a patient listener to curses and imprecations hurled on the devoted head of her father by *Mater familias*. Should she remonstrate or reason with her, her conduct is denounced in no measured terms by the old Dame and her comrades.

It is the pride of the *Mater familias*, to enforce habits of cleanliness with the utmost rigour. Her notions of cleanliness are somewhat peculiar. She bathes twice or thrice daily, and

changes her clothes half a dozen times. If she is cooking, she must have separate clothes washed and dried in the sun. When she is in the household store-room, she must have separate clothes to wear. Should she be preparing the offerings for the household god, there is again the change of habiliments. When she is in her pure habiliments, to touch her with some impure cloth is to pollute her, and she forthwith puts them off. The house is washed many times during the day, and the plate endure the pangs of many frictions when undergoing the process of cleaning. The cooking utensils are subject to a similar fate. As it is with the *grihini* so it is with the other female members. They are despised if their sense of cleanliness falls short of the *grihini's* standard. She loathes to take any food served out to her by them. Females resorting to the bath-room become impure. Bathing takes off the impurity. During the menstrual period they are impure, unfit to do any work connected with the household worship. During this time, they are not allowed access to their husband. Young females are continually kept under the *grihini's* surveillance. They are not allowed to speak aloud, to lift up their veil in presence of males. If they do, they are sharply reproached for being immodest. *Grihini* must make the young females work, and in many families they are worked to death. For any omission or fault in their household work, they are doomed to suffer much obloquy and reproach.

But the *Mater familias* makes her daughter-in-law's condition woful, when the latter attains her age of puberty. *Mater familias* thinks that the child of her loins has become another's, as the daughter-in-law begins to become her husband's companion. Who can describe the feeling of intense jealousy with which *Mater familias* eyes her young relative's movements? If she be wronged by her son, it is all laid at the door of his poor wife. If he gives an ornament to his wife as a token of affection, *Mater familias* thinks he is hopelessly gone. If the daughter-in-law spends one pice in sweetmeats or fried rice, the old dame is sure that his son's exchequer is at his wife's disposal. Out of these little things, a tale of grievance is knit

together *Mater familias* is sulky. She is seen resorting to the nearest shrine, and, while ostensibly counting her holy beads, recounts to her friends and comrades the nature of the ill-treatment, real and ideal, which she received at her daughter-in-law's hands. Frequent these shrines or any bathing ghaut\* you like, or haunts of old females, and you shall hear *Mater familias* telling her plaintive tale.

Gobor's mother addressing an elderly lady, says, "Sister, look at the conduct of my daughter-in-law. My son brought new clothes from Calcutta, and she has all locked them up in the almirah without letting me have a glimpse of them." "That is the way, sister, how things get on now", rejoins the party addressed. "My son brought Cabul pomegranates, and daughter-in-law has consumed them all without giving me one. Oh! *Kali Yuga*† you worship the wife and hang the mother."

This feeling of jealousy which we have endeavoured to describe, becomes more and more intense, as the son advances in age and prosperity. Then a temporary calm follows when the daughter-in-law gets into an interesting state. The old dame forgets all her past injuries and insults, and begins once more to love the daughter-in-law not so much for her sake as on account of the child about to be born. Great is the joy of *mater familias* when a male child is born, and for this the daughter-in-law becomes an object of affection. *Mater familias* assiduously nurses the babe, and for the nonce all her other domestic cares are forgotten. She becomes neglectful of her religious rites and duties, and concentrates her efforts on promoting the welfare of the babe. This interest in the babe and its mother gradually subsides, the former grows up and once more *Mater familias*' mind is estranged from her daughter-in-law. The dame feels aggrieved, because a distinction is made between her child and the grand child in the bestowal of the holiday costumes. The dame complains that those worn by her child are inferior to those of her grand-child, or that the former is worse fed than the latter, and curses the former's ill luck.

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\* A flight of steps jutting into a river for bathing purposes.

† Yuga is a cycle or epoch in Hindu chronology.

It would be wearisome to record here all the little unpleasantnesses which occur every hour of the sort we have described. Endless bickerings and vocal passages at arms between the dame and the lassie are the result till the whole house is set in commotion. From words the parties come to blows,—lassie beating her head against the dame's feet, and the dame returning the compliment in kind. On, on, the quarrel goes. To-day the dame in a fit of anger is seen to abstain from food. To-morrow she is seen loitering in a neighbouring temple, in search of consecrated food, or becoming a friend's guest. The dame divests herself of all affection for her son and grandson. Should lassie's husband fail to mediate or make reparation, the dame, if she be a widow, packs up her goods and chattels to start for the holy city Benares or Brindaban, with the intention of dying in peace. Lassie strives hard to show her innocence by cursing her fate, heaping Billingsgate on her lord and tearing her hair. If her father's house be near she repairs thither to take breath, and concoct her future measures of offence and defence. When such is impossible, and her husband is not a strong man, lassie becomes a veritable scold to him. If strong she weeps, and weeps till her eyes become blood-shot, fasts for three continuous days and nights, with the view of moving the gods to expedite her adversary's death, and threatens to commit suicide. If her anger be of a milder type, she gives vent to it, by beating her children, without any cause or provocation. When she has not given hostages to fortune, she breaks the fragile pots and pans nearest her. She wishes from the bottom of her heart that her opponent were shown out of doors, and this unnatural desire she expects her husband to execute. If actual expulsion of *Mater familias* is possible, the triumph of the daughter-in-law is complete. If impossible, and yet the latter wins the victory in the long run, she subjects the former to the same treatment which she herself had endured. "The engine is hoisted on his own petard," till *Mater familias'* death rescues her from further molestation.

There is great joy in a Hindu family, when *Mater familias* dies, especially among daughters-in-law. The gaping hen is not more

pleased with the news of the death of the person who had kept him waiting so long, than is the young daughter-in-law on the approaching dissolution of her eternal foe's frame. She indulges in building castles in the air, where she would reign supreme unfettered by any rules dictated by her betters in experience and practical wisdom. Alas! vain hope! No sooner is she in the midst of matter-of-fact life than her rich fancies melt into thin air, and she finds herself helpless, without a friend to advise her in exigencies, without a comforter to solace her in the hour of tribulation and distress! She finds, though too late, that even her husband with all his virtues can but ill supply the gap caused by the matron's death.

The warfare which we have described above has undoubtedly reference to cases which are extreme. Ordinarily it does not attain a stage higher than a difference of sentiments or a misunderstanding. Had the training of the daughter-in-law been wholly and solely entrusted to *Mater familias*, the two would not be divergent elements. But the daughter-in-law's unenviable destiny is to be subject to the operation of different and opposite causes. She is required to be a staunch Hindu, in order to keep peace with the old people of the family. She must be to some extent outlandish to please Young Bengal, her husband. She must perform her morning ablutions to please *karta*, and Young Bengal would force her to partake of forbidden food, and fill up to the brim his liquor glasses and tumblers. *Mater familias* teaches her the virtues of a life of seclusion, Young Bengal is mad after emancipating her from it. Over and above these, a third cause, the influence of her parents is perpetually being exercised on her mind. Thus placed, it is no wonder that she should be an object of dislike with the old people of the family, especially with the mistress of the household.

Under certain situations, *Mater familias* continues to be well disposed to her daughter-in-law, from the time of the latter's marriage. When *Mater familias* has an only son, his wife is generally beloved by her, so where the son is the only earning member in the family and his parents are maintained by him,



*Mater familias* is kind to his wife, as also where the daughter-in-law serves the dame as if she were her slave-maid. These are only exceptional cases.

It has been said, that *Mater familias* is an indulgent mother, and it is no exaggeration to affirm that the ruin of many a son is traceable to her unprecedented indulgence. It is her unflinching practice to screen his faults—and keep the *karta* ignorant of them. Sometimes she teaches her son to tell an untruth or commit an act of fraud. In enforcing strictness over his children, the *karta* sometimes encounters obstacles raised by his wife. She stands in the way of the disciplining of the children and thwarts all his best endeavours. An unnatural dispute between the two parents is inevitable, and if no such dispute takes place, it is due to the *karta* becoming indifferent, as he sees no other remedy. We know of many *kartas* arraigned before the Worshipful *Mater familias*, on a charge of castigation of children, and incurring penalties provided for in the matrimonial Penal Code.

*Mater familias* is unusually indulgent towards her son's son. She adopts him, in jest, as her husband, and at his expense gives utterance to many a humorous sentiment. She systematically makes him learn a whole vocabulary of indecent epithets and phrases, and when he applies them to his parents in a half-articulate and half-lisping manner, she is mightily glad. Should the parents attempt to check these infantine improprieties, she is sorely annoyed.

It has been said that *Mater familias* is generally friendly to her neighbours. But this requires some qualification. Should her neighbours become richer than her husband or his family, she becomes envious. She fetches a deep sigh at the sight of a new ornament or dress on the neighbour's person.

When two neighbourly *grihins* are parties to a quarrel the sight is worth enjoying. Not only is their eloquence displayed—but poetry interlarded and appropriate gestures used. Sometimes for want of time, an armistice, if we be allowed the use of the term, is the result. This armistice is concluded in rather a peculiar way, with the poor people of certain localities. A huge

basket with an open face is brought to the scene of the conflict, and is turned topsy-turvy. This is a signal to the parties to cease quarrelling *pro tem*. After the parties have finished their household work and eating and drinking, the basket is lifted up, and the hostile parties commence the quarrel anew, to the infinite delight of the spectators.

Towards her husband, *mater familias* is always loving. Her love partakes more of the character of submission than that subsisting between two equals. The frame of Hindu society is such that she is taught from her infancy to deify and adore him. He is to her a household god, whom it is her religion to serve. As a nurse and maid, ministering to his comforts, nothing can surpass her services. In former times wives regnant were comparatively few, and *Mater familias* despised them, as execrable monsters in human shape, unworthy of nuptial companionship.

The Hindu wife has a passion for jewels and ornaments. Possibly this is a verification of the truism enunciated by Mr Herbert Spencer that where civilization is in its infancy, the love of the ornamental precedes that of the useful. This hankering after jewels and trinkets sometimes occasions much discord in the family and perturbs the connubial relations. Whatever may be the standard of civilization among Indian females in the light of Mr Spencer's test, there can be no gainsaying, that the stock of jewels and ornaments sometimes serves as a reserve fund to fall upon in the hour of need. We are aware of many instances, where had it not been for the subsistence of this dead stock, many a family would have actually starved, and many a widow would have been thrown adrift into the wide world. In some cases the love of ornaments is so inordinate, that its fair possessor would much rather part with her husband, than with them. It is her fond wish to bestow as a dowry a portion of them to her son's wife, when his marriage takes place, and her joy knows no bound when it is done. It has now become customary with her to have Government securities or landed property acquired in her name, and it is no exaggeration to say that the number of female zemindars is no insignificant. No doubt in many cases the lady pro-

puetoi is at mere benamidar, but it is quite certain that there are also ladies who have got substantial ownership in zemindaris

Great as is the attachment of the Hindu wife to her husband her sorrow on his death is superlatively great. But even here the same superstition which operates as a clog in the free exercise of her other domestic virtues has no better operation. It is considered to be a misfortune for the *Kanta* to die under the family roof. It is bad to the person dying and bad to the inmates of the house. The dying man should for the welfare of his soul be taken to the brink of the holy river, and there partly immersed. This immersion sometimes expedites his death though it is not done with that motive. Should he linger, he becomes a torment to such of his friends and relatives as happen to be beside him. They are forced to construct some shed to protect themselves from the sun and exposure, and for days they are in this hard predicament. Sometimes to expedite the death of the dying, curds and tamarind juice are administered to him, and it is no secret that old people in this state are suffocated to death by purely mechanical means. Dying people are removed from the house, because if they die therein, it is liable, as the popular notion is, to be haunted. *Mater familias* thinks that for the welfare of her children such should not be the case. As a safe-guard against all mishaps of the kind, the living are made to wear some iron about their person, either a key or some such thing. Directly the dying man is removed, the place where his body lay is daubed with clay and cow-dung, and some water from the holy river is sprinkled thereon. The dying man no more, his corpse is taken to the place of cremation. A Brahmin who officiates in that gloomy abode of death, repeats a few hymns and incantations, but before he actually sets about his task settles the price of his services with his customers with as much complacency as if there was nothing to solemnize his mind. Considerable haggling for the price takes place before the parties come to terms. In the case of corpses of old people a higher remuneration is wanted. The bargain being closed the heartless priest gives the dead the passport wherewith to approach the bank of the Lethe

and to take passage on board Charon's boat. A huge pile of fire wood is erected to receive the remains of the deadman. His legs are first broken and the corpse is quietly laid on the pile. The custom of the country is such that the deadman must have the cremation fire applied by his nearest kinsman. The lot falls upon the unhappy son first, and failing him to the bereaved widow.

It is heartrending, to contemplate the scene of the widow wailing and lamenting, going slowly and silently to apply the match to her husband's face, that face which was to her a sunshine in many an hour of darkness and despondency, that face which smiled in her happiness and darkened in her adversity, that face which was to her a light house in the hour of danger. Her cries rend the air and send a thrilling sensation through the heart. But no, be her grief what it may, she must do it, or suffer her lord to go to purgatory without the necessary preparations. It is done, and the wail of the bereaved becomes more deafening than ever. It is so horrible as to raise many a vague fear in the breasts of infants, and grown up men feel as if their sterner nature was thawing within them. But this is not all. The cremation over, the poor widow is taken to the river and divested of her matrimonial appendages. That vermilion spot, which shone in her forehead like Venus in a serene sky, must be blotted out in a ruthless manner. The non wristlet which had hitherto been emblematic of her husband's love encircling her, must be broken into twain and flung into the river. The lac-dye which painted the soles of her feet and which threw her personal charms to the greatest advantage, must be washed out, and she must undergo the hard destiny of extricating herself from all associations connected thereto. That red-bordered cloth which had adorned her person, and whose charms are even appreciated by European ladies, must be exchanged for one without borders. These and many other rites she must pass through, each extracting from her many a heartrending tear. When a wife, she was a Lakshmi\*. What eyes, what face, what limbs, and what light mind! Behold her

\* Goddess of wealth and beauty

now transformed into a widow ! Cheeks fallen, eyes sunken, beauty gone, in widow's weeds weeping out her very existence Oh is it she ? If it is she, Oh, how fallen !

*Mater Familias* is a bad relation of her step-son, and this is almost universally the case The slang expression "as beloved as the son of a co-wife" current in this country conveys in a nutshell the nature of the relations between the two As a matter of fact the ratio of good and kind step-mothers is infinitesimally small One would think it is the ordinance of Fate that the step-mother and the step son should be perpetually at daggers drawn From the moment of his mothers' death, a feeling of Hamlet-like melancholy sits heavy on his soul He mourns for the departed with all the fervour that his young blood is capable of feeling He is apprehensive lest his father by taking a second wife, should cease to love him A thousand thoughts perplex him, as he sees prospectively a long array of step-brothers and step-sisters, basking in the natural sun-shine and he left out in the cold, despised, contemned and abandoned to his fate Many a sigh escapes from him, many a stifled sob becomes audible, as if his heart would break He invokes the departed spirit of his mother with religious frenzy—to appear and solace him in the midst of his agonies He is resolved how to act His father has not already married a second wife, and there is yet hope He deliberately throws all sorts of impediments in the way of marriage He insults the match-maker and the family priest He abstains from food, and runs wild in order to scare the father from the intended goal He finds his father inexorable, and if he be a grown up son, alternately brings his threats and entreaties to play upon the father's feelings The son threatens to commit suicide or to leave the paternal roof for good, and to add greater weight to his threats, they are spiced with many an angry word One match gives place to another One betrothal steps into the shoes of its predecessor, till the son finds to his dismay that the marriage has become a question of time The son gets furious as the day of nuptials draws nigh He is almost at his wit's end Many an intrigue he invents to put off

the union till a future day. The father's auspicious day at last arrives, and the son sees to his utter chagrin that the nuptial robes and the necessary arrangements have been made for the celebration of the impending ceremony. Maniac-like he disarranges the robes, drives away the bearers hired to convey his father's person to the wished-for abode, and heaps all sorts of imprecations on his head. The *Kanta* is kept as a prisoner under strict surveillance, and all ingress and egress are temporarily suspended. The father flies, takes shelter in a neighbour's house, and returns home in the company of sweet thirteen. No more a forlorn widower! The son frets, but all to no purpose. The marriage is over, and there is nothing on earth to invalidate it. All his rage, all his acrimonious feelings, find vent against the innocent girl who has rendered his father happy. She is insulted with the greatest impunity, called by hard names derogatory of her parentage and family connections, and strange to say, most foul aspersions are cast upon her honour and female virtue. The father is proclaimed to the world as one damned in a fair wife, whose dotage has increased with his years. He is styled a fool, a coxcomb, a monster, and his character is exhibited to public scorn.

The father has all along been a patient listener to these continued philippics hurled by his son. His indulgence was so thorough that it was his wont to abstain from noticing improper manifestations of his son's temper. But there is a limit to human patience, and the force of patience could no further go. His young wife feels cheerless, and pesters his ear with many a tale of real or apparent injury done to her by his son. What with the solicitations of his new partner of life arrayed with the dumb rhetoric of her personal charms, what with the son's impudence, the doom of the latter is sealed. The father convicts him of being guilty of malpractices against the step-mother, and the culprit undergoes incarceration as a cast-off son. He is driven out of the family-house, divested of his inheritance, and becomes to the family a perfect stranger.

In some cases, the step-mother is the aggressive party. Trained by her parents to exercise an absolute sway over her

lord, and having succeeded remarkably well in her new sphere of existence, she makes him a reluctant party to a common cause against her step-children. "Your children do'nt call me, mother," says she. "Not call you, mother? No? It is preposterous, their father must call you so," is the speedy rejoinder. The mistress is quite glad to hear this compliment bestowed and is quiet for a time. But her tales of sorrows are thick and fast. To-day it is a piece of Vandalism, which her son has committed towards her favorite toys and trinkets. To-morrow it is his pollution of her food, or the profanation of some family religious ceremony. The *Karta* becomes scarlet with anger at the foolish urchin, and mercilessly flogs him to appease the avenging instincts of the household goddess. The proverb is, 'Give a dog a bad name and he will be hanged'—and the poor urchin must needs exchange lot with that animal without even the farce of a trial or without being heard in support of his defence. Really, it is a woeful sight, and it becomes really shocking when the task of castigation is undertaken by her hands. It is beating now, it becomes a plague to him immediately after. Food and raiment are refused, and his lot is cast with the household servants, who make a laughing stock of his hard destiny. But this is not all. It is no secret that step-mothers have contrived to take away the lives of their step-children. Drugs have been used to ensure a slow and wasting death, and the object has been successfully attained. If such be the step mother to her co-wife's children, when she is still in her teens, it can be imagined what she will be when she becomes a mother. Once a mother, the distinction made by her between her children and the step-children, is too ineffaceable to be overlooked. It is ineffaceable in the quality of food doled out to them respectively. It is ineffaceable in the habiliments they respectively wear, and last though not the least, it is ineffaceable in the bestowal of the fathers' kiss of affection. His children have a permanent lease of the father's lap, while the step-children must stand on the floor at a respectful distance from him.

As the step-sons advance in years, the memory of their

ill-treatment by their father's wife remains green, and her feelings are reciprocated by them with the intensest rancour. Possibly a schism in the family takes place, and the step-children separate from their father. Should no separation be the result, the house-hold becomes a veritable Chaos. Unhappiness rides rampant, and the poor father being placed between the two horns of a dilemma, feels his closing hours embittered by a thousand evils of an appalling and irremediable character. He is pretty sure that after his death, her step-children would make his wife an object of active cruelty if not of passive neglect. If he has property and she has given birth to children, he forthwith makes a will, and shapes the inheritance accordingly. If she be past the age of child-bearing but still young, he thinks twice before he makes her a joint legatee with her step-children. He is apprehensive lest she roll in luxury and bring disgrace on the name of the family by betaking to an unchaste life. This consideration sometimes weighs with him in not disturbing the even course of inheritance, and she is left unprovided for. In some cases, only her bare maintenance is provided for, but the funds are left with her step-children on which it is declared a charge. Directly he dies, his young widow becomes the victim of ill-treatment too horrible to be described. She is turned out of the house or is refused maintenance. Her personal property and jewels are seized, and every cowardly advantage taken of her helpless condition. She is branded as one who has contaminated her lord's bed by frequent acts of incontinence, and this is held forth as having caused the forfeiture of her right to maintenance. The bereaved widow repairs to her paternal abode or to some friendly neighbours, and while under temporary shelter invokes the constituted tribunals of the land to give her relief. Ah! who can depict the painful scene which takes place in a court of justice when a suit for maintenance becomes the subject of judicial trial. The widow stands charged with unchastity, and her opponents sit down in a business-like manner to adduce evidence of her guilt. Scores of hired witnesses are procured to fix the stigma on her fair fame. Ela-



borate stories are invented to satisfy the judge that she was false with this servant or that cook, with a priest here and a Brahmin there, till the patience of the judge is well nigh exhausted. The judge feels disgusted at the unnatural conduct of the accusers, and either implores them to make up matters and abstain from exposing their foul linen or pronounces the accusation to be an infernal perjury. The poor widow freed from the asperations on her character breathes a purer atmosphere, but feels herself degraded in the estimation of her friends and neighbours, and remains in the family house only to be a butt to her inveterate foes, or if of too sensitive a nature, she betakes herself to her father's house. In many cases she becomes a devotee, and spends the remaining years of her life in prayer and contemplation either at home or in some holy place.

*Mater familias* is a kind mistress to the servant maid. She is her mistress's walking gazetteer, and all information of the world outside comes through her filtered medium. She creates in her mistress's bosom a yearning after pilgrimage, and puts into her head a thousand lies affecting the honour of this woman and the character of that man. She has a knack of telling ghost-stories, and makes her mistress a ready believer in all supernatural absurdities. Once the mistress is led into ultra-matter-of-fact things, she becomes a mere tool in the hands of her maid. The mistress is seen repairing to the shrine of this god or that goddess for propitiating his or her anger towards her, and while in this mood of mind she is unwittingly ensnared and returns home sometimes robbed of her money.

At one time old and hag-like maid servants used to be objects of terror to Hindu females. They were viewed as witches that had the power of enchanting human beings. No body would be justified in taking his food in the presence of these hags and as an antidote against all accidents a huge quantity of salt was placed on the food-plate. The popular notion is, that salt operates as a dis-enchanter, and its sure efficacy is absolutely believed. In cases where a young female happened to have a hysteric fit, or where a child was subjected to infantile convulsions,

it is all laid at the door of the old hag-like maid While in this trying position the mistress is seen to resort to the sorceress with her cloth round her neck, and fall prostrate before imploring her to smile propitiously on the sick and withdraw her magic spells Apart from witchcraft many a Hindu female is subject to this hallucination that a maid-servant has power to poison her husband's mind towards her by administering fabulous drugs to him And a weak brained husband dread a similar fate at her hands But be the influence of the servant-maid what it may, she and her mistress frequently quarrel with each other In this respect, *mater familias* is an adept Possessing an abundance of kitchen-rhetoric at her disposal, she plays out her part remarkably well There is poetry in her rhetorical effusions, and they are set off with appropriate gestures

To her spiritual guide and the family-priest, *mater familias* is all submission and reverence She considers them as incarnations of the deity himself Be their faults what they may, it is her sacred duty to put the most charitable construction upon them She considers it sinful to hear them abused or calumniated They can do no wrong is the fundamental article of her faith When *mater familias* is so, it is natural that the subordinate female members should be greatly within the clutches of the priesthood We shall have occasion to say more of this when we come to treat of the Family-priest It is sufficient here to observe that if the zenana is still in moral darkness, it is to be attributed to the inordinate influence of the priest and the Guru (spiritual guide) who are the evil genn of the *mater familias*

Thus have we sketched the career of an Indian *mater familias*, of her household duties, and the nature of her relations with some of the members of her family and with society at large It remains to examine her legal *status*

In all ancient countries, and in the early stages of civilization, the female was wholly dependant upon the male She was supposed to be perpetually in a state of infancy, requiring the care and guardianship of the male members of her family This institution was known to the ancient Roman law as the

perpetual tutelage of women, and under it, a female though freed from the authority of a parent by his death remained dependant upon her nearest relations, as her guardians. Perpetual guardianship is obviously neither more nor less than an artificial prolongation of the *patria potestas*, when for other purposes it has been dissolved\*. In India, this institution exists up to the present day in full perfection. The *karta* is in the eye of law, his wife's father, and this notion is at once in consonance with the spirit of the Hindu Sastras. On the death of *karta* this guardianship is exercised by his son. While discussing the restrictions imposed on the exercise of the widow's right, I shall show the reasons which have upheld the perpetual tutelage of women, and if they have operated in narrowing the scope of a widow's rights, they have similarly affected the legal *status* of a *feme covert*. Labouring as the status of *feme covert* does under artificial restrictions, it is expected that her rights and privileges should be few. During the life-time of the *karta*, *mater familias* has almost no legal existence as against the world outside, and it is only against him that her rights can be said to exist. A wife cannot desert her husband if he goes abroad without providing for her maintenance. Nor should she do any acts in his absence that may render her fit to be deserted†. These acts are, wickedness, unchastity, abortion and other heinous crimes. "She may be deserted when she is afflicted with leprosy, degraded from her class, barren or insane or whose courses have stopped‡. A wife may desert her husband, when he is an out-cast or degraded. A husband may be forsaken, if he be an abandoned sinner, a heretical mendicant, or impotent, or degraded or afflicted with phthisis, or if he have been long absent in a foreign country¶. During the absence or incapacity either corporate or mental of her husband, the wife can enter into contracts for the support of the family||. She can sell property belonging

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\* Maine's Ancient Law p 153

† Manu Chapter, IX Vs 74 76, Colebrooke, Dig Vol I pp 411, 421, 472

‡ Ibid ¶ Vavyastha Durpan, pp 677, 678

|| Ibid 641

to him for the performance of his mother's funeral obsequies\* In the matter of contracting debts, the position of the Hindu wife is much the same as that of an English feme covert, and her husband is liable for them if they were incurred for the support of his family or in managing his affairs† A wife must be maintained, and it is only when she is unchaste or when she voluntarily deserts her husband, that she forfeits her right to maintenance When without a son, the wife is entitled to a share on partition of his estate and during his life-time Mr Colebrooke, in his Digest Vol III 1876-77, thinks that if the husband have no means of subsistence he may take the wife's share and apply it to relieve his distress, but under no other circumstances, can this be tolerated

Irrespective of the rights and property mentioned above, the wife, has her 'peculium' or separate property There are several descriptions of this property, and each relates to the source from which it is got It is either obtained from her parents or her husband, as a present or as a token of affection Subject to certain restrictions, the dominion of the wife over her peculium is absolute, and her husband has no control over it In regard to movable property given to her by him, her power is, unlimited, but she cannot dispose of at pleasure immovable property given by him

## CHAPTER IV

### *The Son*

The next unit of a joint family whose status awaits consideration is the son He is called the *putra*, as his mission is to rescue the manes of his father from the Hell called *Put* Great is the rejoicing under the family roof, when he is ushered into existence The *karta* is in the midst of an Elysium on Earth, and *mater familias* congratulates herself on having presented him with an heir She forgets for the time the pangs of maternity, and

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\* Ibid p 615

† Ibid 360 362

the face of the baby appears to her beaming with hope and sunshine. Tomtoms are sounded to celebrate the auspicious event, and the house rings with the chorus of joy. Great hopes are entertained of him as he grows up to manhood. The astrologer of the family prepares the baby's horoscope and with the blessings of all the gods of the Hindu pantheon, both male and female, his boat is freely launched into the ocean of life. He becomes greatly beloved by the members of the family, and both *pater familias* and *mater familias* look upon him as their soul's idol. His favorite place is their lap where he is taught many a riddle and many a pleasing anecdote. He is sometimes so much loved by them, that he turns out a spoiled boy. His education is confided to a pedagogue, who makes pretensions to all branches of learning, but knows none. In short, the pedagogue is a jack of all trades. His knowledge in easy primers is profound. He is an excellent calligrapher, and knows the art of drafting bonds-deeds of sale and other instruments. Sometimes his services are useful in quite a different way. Being more a dependant upon *pater familias* than a trainer of his children's mind, he is a great adept in giving false evidence in courts of law when required. His connections with his master's family are near and thick. Sometimes he lives in one corner of the family house and takes his meals at the family board. To him is generally delegated the task of writing the family accounts, and it happens often that he is deputed to collect the family debt or pay off family liabilities. For the discharge of this work he receives a trifle in the shape of perquisites. He sometimes makes purchases of things for the consumption of the family, and this puts him in the way of making illicit gain.

He is remunerated for his pains partly in the Queen's coin and partly in rice, vegetables and cow-dung-cakes. He is a great favorite of the family. If his pupil is naughty at home the pedagogue incurs the displeasure of the family for not having taught him docile manners. *Mater familias* however abuses him, should his birch and the pupil's back frequently come in contact. Should *karta* be away from home the pedagogue is entrusted with the

duty of writing him letters. When any marriage takes place in the family, he goes with the nuptial presents as the head waiter in charge and hands them over to the proper party, receiving some *bonus*. The manifold duties which he is vested with necessarily make him forgetful of his legitimate ones. And the young pupil, instead of progressing in his studies, learns, how to pilfer *karta's* good tobacco, and copperpieces from *matr families'* broken cabinet, wherewith to bribe if not to please the preceptor. Thanks to the generous efforts of Government, this vicious system is fast giving place to primary school education imparted in consonance with improved educational principles. And the time is not far distant when the indigenous system would be considered as an object of antiquarian interest to delight the future generations of Indian youth.

While under the Guru (pedagogue) his pupil is taught the art of writing, mental arithmetic, and that portion of arithmetic which relates to the transactions of daily life, and the art of drafting documents. No attempt is made at mental culture, and habits of attention, application and thought are not enforced to any appreciable degree.

During this period of life, the Hindu child is made to pass through certain ceremonies, which require a passing notice. The investiture with the sacred thread is one of them. This is a practice observed by the Brahmins, Kshetrias and Vaishyas who constitute the *twice-born* caste, their second birth being the investiture aforesaid. With the other castes, the ceremony of tonsure obtains up to this day. On the occasion of these ceremonies, there is considerable feasting in the family, and the child undergoing them is ushered into the second stage of his life.

At this stage, *karta* thinks of sending his boy to some English school to learn the mysteries of the science and literature of the West. At one time, *kartas* were apprehensive lest children going there, would embrace the faith of Christ, and become outcasts, but this apprehension, if it exists, exists in outlying districts, far removed from the metropolis. They believe that without English education, there would be no amelioration of their

children's condition, and English education may transform their children into Christians and outcasts, but at the same time would prepare them to secure lucrative posts under the state. *Karta*s would rather prefer to see their sons becoming doctors and law-yeas, judges and magistrates, than leading a farmer's life in the work of some obscure village or following up their ancestral trade or calling. And this metamorphosis is patiently submitted at the sacrifice of the religion of the land and of caste restrictions. In short, the *karta* becomes an unwilling convert to the truth of the Bengali proverb "rather a blind uncle than none," and thinks it is better to have a well paid writer in a son with Christian proclivities than no earning at all.

It would be out of place here to enter into a discussion of the merits and shortcomings of the system of education, imparted in the English schools. But it should be remarked that less attention is paid by the educational authorities to those subjects of study which contribute to the development of the thinking faculties of the mind, and systematic cramming is followed to the serious detriment of the intellect. In the school curriculum, grammar occupies a conspicuous place, and students are placed under the necessity of committing to memory all those artificial rules of etymology and syntax, the application of which they rarely understand. History, as made accessible to the young students, is a mere skeleton of the real thing, and they are made to remember isolated dates of events, without having the least idea of their sociological concatenation. The amount of attention paid to political geography is really shocking, and the study of that interesting subject is no more than a dry knowledge of places without rhyme or reason.

It has become the fashion now a days to make the knowledge of English literature and English idiom the *sine qua non* to passing the University matriculation examination. This is at the best an absurd policy. To expect students to pass in English idiom without forcing upon them the reading of a course of literature, is the same as to expect the knowledge of swimming in a person by keeping him aloof from water. Considering the mental

calibre of the students, to impose upon them the reading of an exhaustive course of literature is impossible, and, as a matter of course, English idiom is learnt by committing to memory the leading *dicta* governing it

While the plan of education pursued in this county is susceptible of considerable improvement, its moral effect upon the native youth has been great

He has learnt to throw open the inmost recesses of his mind to the light of modern times. *Karta* is mightily orthodox because he remains content with the lights he already possesses, his son is a sincere enquirer after truth and cannot therefore afford to be orthodox. So that whatever apprehensions, the *Karta* laboured under, in the matter of his son's conversion to heterodoxy, they are changed into stern realities on the son leaving school

Be the son's education what it may, he has learnt from his early preceptors, the following five commandments, which he adheres to with something like religious enthusiasm. They are —

- 1 That his ancestral religion is false and absurd
- 2 That whatever is English deserves to be respected and the contrary despised
- 3 That the *karta* is a great fool whom a fortuitous combination of circumstances has raised to the headship of the family
- 4 That the taking of heterodox food contributes to health
- 5 That the female sex deserves to be honoured

With these ideas in full swing in his head, he enlists his name in the College rolls. Here they experience some modification. The progress he makes in his collegiate studies coupled with the virtue of thinking for himself, enables him to see in his ancestral religion, many features bearing the impress of profound thought. It is not so bad as he once thought it to be. He admires its structure and its manysidedness. From gross idolatry to refined atheism, he finds in Hinduism a befitting shelter given to all sorts of religious belief intermediate between the two. Hindu philosophy appears to him to be of colossal stature aiming at a



solution of those metaphysical problems, which gigantic minds had failed to solve

The young man is in a fix what to do. Should he give up the faith of his forefathers and embrace a new faith? Christianity spreads her wide open arms to receive him. Should he become her adopted son? No, Christian he can not afford to be. To be a Christian imports a voluntary abandonment of all early associations with the parental roof, a total segregation from parents, friends and relatives. To be a Christian imports a surrender of his nationality. To be a Christian it is necessary for him to undergo an amount of persecution and self-denial which he finds it terrible to withstand. All this is impracticable. Is there no healthy mean between fetish Hinduism and the Christian isolation? Can not the piercing knife of reason cut down the unnecessary branches of Hinduism and reduce it to sober dimensions? To this task he forthwith applies himself. He throws aside the superstitions, the idolatrous fragments of Hinduism and becomes a Theist or Deist or Brahmist. Theism is a cheap religion. It costs him no self-sacrifice, and he has to undergo no privations. Theism does not interfere with his beef-eating and wine-drinking proclivities. He can lead a heterodox life without in any way violating the cardinal points of his newly adopted faith. It is therefore no wonder that, placed as Young Bengal is, expediency suggests to him that form of religious belief, and on the altar of expediency, he builds the stronghold of his religious convictions. What with the culture of his mind under European professors, what with its self-culture under foreign influences, what with the possession of too many foreign ideas in his head, Young Bengal plays the part of the monkey who has seen the world, and when College closes for the vacation, he repairs to his native village to apply Plato and Sir Thomas More to convert his house into a Republic or a Utopia.

Morally divested of the ideas, feelings and traditions of his ancestors, and having shaken off the trammels of orientalism, he becomes a staunch advocate of customs and habits which appear out-landish to the old people of his house. He preaches the

re-marriage of widows, the education of the females, the emancipation of the zenana from the thralldom of ages, and the wholesale annihilation of idolatory and priestcraft. He strives hard to reconstruct Hindu society after the European model, and sighs for the day when he would live and move like an Englishman. In his attempt at practical reformation, he finds *karta* to be a veritable clog in the way, and he summons all his energies to break a lance with him, in the matter of the moral crusade. Many are the arguments used to make the old gentleman a convert to his son's creed, and all the weight of the latter's learning and intelligence is brought to bear upon the former.

The old gentleman proves cross, and the son gives up his case as hopeless. *Materfamilias* presents no better prospect and the enthusiast feels doubly disappointed. This disappointment gradually settles down into an irreverence towards his parents.

In many cases, the son's conversion is only subjective, and finds no expression in the presence of the parents. He talks and talks, preaches and exhorts, but behind the *karta's* back. When *karta* is in affluent circumstances and is strong in mind, the young man is afraid lest his heterodoxy should drive *karta* to the resolution of not marrying him. The young man prefers to hide his candle under a bushel to falling a martyr to that honor of horrors, celibacy. Gradually the fear of *karta* subsides. The young man betakes himself to giving his heterodox habits a pretty full play. Beginning with the breaking of a biscuit from the Great Eastern Hotel, and with the quaffing of a glass of lemonade, he becomes a confirmed eater of prohibited food and a drinker of wines and spirits. So ingeniously does he keep counsels to himself in matters of food and drink, as to reflect credit on his power of dissimulation. One evening he returns home top-heavy and disgorges the contents of his stomach. *Materfamilias* becomes out of sorts at the son's illness, she blames the *karta* for having purchased rice that could not be digested, or falls foul of the cook for having prepared the meal late or in an exposed place, and thereby made her son ill. Somebody whispers into *karta's* ears that his son is going astray but before *karta* has fully opened

his case, he is bullied sharp by *Materfamilias* and is at once non-suited. "My son", says *Materfamilias*, "is a jewel worthy of the womb which gave it birth. Whoso speaks ill of him deserves to be burnt in the face." This sort of advocacy coupled with kitchen-rhetoric characteristic of females, secures for the young-man what evidence and calm logic would have failed in accomplishing. *Karta* becomes restless. He is convinced that his informant could not lie, and yet he does not feel sufficiently strong to use the informant's evidence with success. This restlessness increases, as the misbehavior of the young man becomes the topic of loud complaints. *Karta* passes sleepless nights, the image of his beloved son appearing as a libertine or vagabond haunts him in his dreams. Fearing that his son is on the brink of a yawning gulf, when perdition stares him in the face, he sends for the family priest, to counsel him how to act in the emergency. The priest induces the *karta* to marry his son, and the latter feels convinced that once the son is wedded, he would turn over a new leaf, and become a steady man. A girl is selected to be the future co-partner in life of his son. Marriage negotiations follow. The astrologer certifies that fate would smile upon the union, and with the casting vote of the *Materfamilias* the marriage takes place. It is usual with the *karta* to select some rich man's daughter to be his son's better half, and nothing pleases him so much as the sight of the young bride bedecked with pearls and barbaric gold from head to foot at the cost of her father. *Karta* feels rather mortified if nuptial presents are not made to his son, and this mortification sometimes is the germ of a future dispute between the two allied families. As a rule, *karta* does not care two straws whether his would-be daughter-in-law has good qualities of the head or heart or any training or accomplishments. Sometimes the respectability of her father's family and the character of her parents are lost sight of, and only the profitableness of the marriage bargain is steadily kept in view.

Among Brahmins and Kayastas of the superior order, no marriage can take place unless and until the bridegroom and bride have the necessary marriageable pedigrees. And there are

numerous instances of men and women, who but for this reason have lived and died, without giving 'hostages to fortune' The vices of Kulinism are referable to the hard and fast rule about marriageable pedigrees Should there be a difference in the respective pedigrees of the parties, it can be made up by the payment of a sum of money to the party who has the higher one So that while it is the custom all over the civilized world, for the bride's father to expend money after her marriage in the shape of dowry and other marriage portions, in Bengal among certain classes, he makes money by the bestowal of his daughter's hand To persons belonging to these castes, it is a piece of rare luck to have a litterful of daughters, as their sale, and not marriage, brings into his coffers a round sum of money We are aware of instances when the patient in the lying-in room was subjected to several kinds of tortures, simply because she gave birth to a son and not a daughter With the diffusion of education, Kulinism and other sorts of cognate vice, attendant upon the system of marriages, are becoming less horribly felt, and the time is not far distant when they would become things of the past

With us Hindus, marriages is not a mere civil contract It is a sacrament administered by the priest in the presence of the house-hold idol According to Hindu Law there are eight kinds of marriage They are thus enumerated 1 Brahma, 2 Daiva, 3 Arsha, 4 Prajapatya, 5 Asura, 6 Gandharva, 7 Rakshasha and 8 Paisháchá \*

These marriages are thus described by Manu and Jajñavalkya as follows —

'The ceremony of Bráhma, of the Devas, of the Rishis, of the Prajapatis, of the Ashuras, of the Gandarvas and of the Rakshashas, the gift of a daughter, clothed with a single rope, to a man learned in the Vedas, whom her father voluntarily invites and respectfully receives, is the nuptial rite called the Brahma The rite which sages call Daiva, is the gift of the daughter, whom her father has decked in gay attire, when the sacrifice is already begun, to the officiating priest, who performs

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\* Colclough's Dayabhaga p 89

that act of religion. When the father gives his daughter away, after having received from the bridegroom one pair of kine, or two pairs, for uses prescribed by-law, that marriage is termed *Arsha*. The nuptial called *Prajapatya* is when the father gives away his daughter with due honour, saying distinctly 'May both of you perform together your civil and religious duties.' When the bridegroom having given as much wealth as he can afford to the father and paternal kinsmen and the damsel herself, takes her voluntarily as his bride, that marriage is named *Asura*. The reciprocal connection of a youth and a damsel, with mutual desire, is the marriage denominated *Gandharva*, contracted for the purpose of amorous embraces and proceeding from sensual inclination. The seizure of a maiden by force from her house when she weeps and calls for assistance, after kinsmen and friends have been slain in battle, or wounded, and their houses broken open, is the marriage called *Rakshasha*. When the lover secretly embraces the damsel, either sleeping or flushed with strong liquor, or disordered in her intellect, that sinful marriage called *Paishacha*, is the eighth and the basest.\*

The first four kinds of marriage are legal for a Brahman, the sixth and seventh are peculiar to Kshatriyas, the *Asura* marriage is permitted for a Vaishya and a Sudra, while the last one is strictly interdicted.

The *Brahma* form of marriage is the only one which is extant, the others have become obsolete. In an ordinary Hindu marriage, where the parties to it are minors, their parents give the consent to the nuptial contract, and that consent gives it the stamp of validity. To constitute a marriage valid, three ceremonies are indispensably requisite. Firstly the *nandi-sradha*. Secondly, the nuptial-fire. Thirdly, the *Kusandika*. After these ceremonies have been gone through, the marriage is indissoluble. A Hindu marriage cannot be avoided, and in this respect it is a singular institution. While the preliminaries have been agreed upon, and the marriage portion is determined, a day is fixed for its celebration. Generally the ceremony extends over three or

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\* Chapter III, vs 21, 27 to 31

four days. On the first, the bachelor's feast, as it is called, is partaken of by the bridegroom and the bride in their respective houses in the company of their friends and relatives. A huge quantity of fish and vegetables, churned milk and sweet-meats, is consumed by the guests. Men-servants and maid servants belonging to the house are robed in auspicious red and are decked with silver ornaments. On the second day, the *nandi-shradha* is performed, and a string dyed in yellow is tied round the bridegroom's right wrist. This Shradha makes him religiously prepared to receive his bride. On the third day, or rather on the night of the third day, the marriage takes place. The ceremony is performed in such a hurried manner as to have no tangible impression on the mind of the bridegroom and bride. The palms of their right hands are tied together by a garland, and the priest who officiates dictates to them in Sanskrit certain promises which they are to make towards each other, promises which they do not at all understand. They then exchange garlands, and the ceremony is ended by lighting a bundle of hay and sprinkling upon the nuptial fire thus kindled some fried paddy\*.

During the ceremony, the position of the bridegroom is woful, not a moment of respite is granted to him to feel its solemnity, to think upon its future obligations and duties, or to canvass their weight and importance. What with the sound of the tom-tom, the feasting of scores of people, the concourse of merry females, the buzzing of hosts of flies invited by the rotten fish and the rotten sweet meats, the curt jokes of females assailing his modesty, what with the pantomimic display of the procession in which he is held aloft as a puppet, the situation of the young man can more be conceived than described. He compares marriage with the round cakes of Delhi, and bitterly repents of having tasted them. In the bride's house his misfortunes begin afresh. Being made uncomfortable with the heat and light of a thousand torches, that had attended his way here, still more uncomfortable by wearing a thick and unwieldy wedding gown, he is welcomed to a house crowded with unknown faces,—to inhale

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\* Fried paddy is emblematic of female modesty, and the of distinction.

the steaming and noxious exhalations of the assembled guests

In India we have no honeymoon, but the wedding night has charms and fascinations which deserve a passing notice. The nuptials being over, the bridegroom is taken inside the zenana with his new bride.

There is great joy in the zenana, when the bridegroom enters its blessed precincts. The mother-in-law is in raptures at the sight of her son-in-law, and sets before him the best of viands and delicacies. The young sister-in-law treats him in a manner which is brutal. Not content with a *tete-a-tete* with her new relation, not content with exhausting all the stock of her witty sayings, she tries her art as a practical joker. She pulls him by the ear with as much complacency as if he had been a pilloried man. To resent such an insult is considered synonymous with bad breeding. The sister-in-law makes the bridegroom Tantalus like in his acts of eating and drinking. Mock-food and mock-drink are prepared and set before him, and in some cases with such ingenuity as to confound intelligent and wary men. If he awkwardly perches on the carpet, she styles him a milkman. If he eats in a hurry, he is a clown. If he has a stentorian voice, he is a village watchman. If tall, he is a palm tree. If short, he is a Jack-a-napes. If he is reserved, he is denounced as dumb. If loquacious, he is a Kathak Thakur (a reciter of hymns). If he has broad teeth, they are compared with spades. If of black complexion, he is a black-bird. In fact the situation of the bridegroom in the midst of his sisters-in-law is unenviable. He cannot eat, he cannot take rest and he must keep up the whole night, a patient listener to their ten thousand and one jests. In some cases, he must sing and dance and perform antic freaks to delight them. And the custom of the country is such that female indecorum is excusable on that night. This stream of amusement is so enticing that it tempts young aunts-in-law to take part in it under disguise. All this time the bride sits as a perfect stranger, and no body thinks of introducing her to her lord supposing that she understood what introduction meant. In the midst of this whirlwind of pleasure, the young husband

is not allowed a moment to think upon his altered situation and of the solemn trust reposed in him for execution in the grand theatre of life. The marriage over, the bride is taken to her new home to consort with him.

With the termination of the wedding, the joys of the husband literally end for a certain time. He finds his compeer wholly uncompanionable. Being quite a girl, she looks upon him as a perfect stranger and his house a foreign land. Her heart yearns after her parental hearth and housestead, and she frequently gives vent to her feeling in tears. The custom of the country is to send her back to her father's after a week, and with her departure the young husband feels disconsolate. Rather no marriage at all than marriage of this sort, becomes his cant. He broods over his isolation and curses the absurd custom which causes the separation. Sometimes he rushes into print, to complain in the columns of a newspaper of the evils of early marriage. Man is essentially the creature of circumstances and it is little circumstances like these that compel him to turn a patriot. Had early marriage been unknown in this part of the world, patriotism in young Bengal would have been devoid of one of its leading pegs to rest upon.

The young husband has read much about the English husband's honey-moon, but his is a honey moon of celibacy. He has read much about the education and accomplishments of English wives, but he finds his wife to be the lowest personification of inertia. Devoid of education, the young man is at his wit's end to conceive upon what earthly topic he would converse with his wife. So in a devil-me-care mood the day's meals and her parents' affairs afford for the nonce edifying theses for conversation till balmy sleep secures him from his embarrassed position. Far better he would have fared had her mind been a perfect vacuum, but as it is, it teems with superstitious notions of the blackest dye. The young wife was bred at her father's in his superstitious idolatry, and she tries with the logic of her personal blandishments to make a convert of her husband. Persuasion failing, she makes a personal cause of his persistent scepticism,



nuptial discord follows, and the poor husband surrenders at discretion. The wife becomes reticent and sulky, and the weak husband apprehending lest matters may take a serious turn, yields his point at the feet of his fair adversary. Young Bengal has been taxed as a big talker, and he is truly so. But it is due not to any innate insincerity or want of integrity of purpose or earnestness, but to his being made the victim of the philosophy of the zenana, and to possessing too much of the milk of human kindness towards the zenana-inmates.

Young Bengal dines like a thorough Englishman at the Great Eastern, relishes the dishes and the contents of decanters with an avidity and zest deserving of a better cause, and discusses the evils of the cast system from an English point of view. But if he sweetens his breath and drowns the offensive smell of brandy, and the still more offensive smell of onions and garlic by a dose of lavender or other odorous substance, it is for the fear of his wife that he does so. If he is an orthodox Hindu at home and outlandish elsewhere, if he preaches reformation and yet takes part in all the household religious festivities it is because his wife is there with the moral birch in her hand to force him to be a good boy. Englishmen are under the impression, that a Hindu wife is treated by her husband as a slave, and his slave-condition has become with them a cant. A false idea than this cannot be conceived. The Hindu wife is not a whit less strict in enforcing domestic discipline than his English sister. The fact that a wife here or a wife there receives improper treatment at the husband's hand does no more sustain the generalization of the Indian womanhood than that of a few cases in the divorce courts supports the universal infidelity of Englishwomen. Much misconception exists on this head among Englishmen, and we trust that as they begin to learn more fully of the dispositions and character of our females, it would pass away from their minds.

The moral condition of the zenana is woful. Devoid of education the wife is at once thoughtless and unreason able. She has no knowledge of the laws of health, and her children are constantly sick. They are made to eat more than they

can digest, and this aggravates their otherwise invalid condition. She herself is always neglectful of her food, drink and raiment, though very hungry, she would hold on for no other reason than because it is her own sweet caprice to do so. She would shiver in the cold lest by putting on a petticoat the elderly females give her the sobriquet of "Ma'am Sahib". Her education being poor, her children become devoid of the household training, and some of their best mental faculties which require the tender care of females remain undeveloped. This is strikingly felt in the case of girls, who inherit as a general rule the bad qualities of their mother.

Moral training of children in the zenana there is literally none. The children are taught to fall prostrate before the gods, to revere Brahmins and to observe the numerous rites and festivals with the greatest scrupulosity. They are never taught to love and adore truth for its own sake. It is only when a lie is passed off to the mother, that the urchins incur her displeasure, too evanescent to have any wholesome effect. Patience, perseverance, the habit of self denial, remain unknown to them.

From what has been said one can conclude without straining his discursive faculty that there is no moral harmony between the son and his wife. Their views and opinions, principles and notions, are extremely divergent. They have one idea in common, and that is the welfare of the family, but even here, the means employed to attain it are different. Brought up in a nursery where conflicting elements carry on the din of perpetual warfare, the children are ushered into life without a consistent breeding. Placed as the husband is, in the midst of his daily avocations perpetually diverting his attention from family affairs, the training of children as a matter of course takes shape imparted by their mother and becomes no more than her subjective reflex. It takes the children years to rid themselves of the false ideas put into their head in their infancy, but even here the demolition is not thorough. Weakness, cowardice, timidity, apathy, remain ingrained in their nature, and mere intellectual education can not eradicate vices.

of long standing If Young Bengal lacks valor and manliness, it is to be principally laid at the door of his mother's defective training If Young Bengal is partly Hindu and partly outlandish, his Hindu proclivities are referable to his bad infantine training

We have now traced the career of the son to the period of his arriving at manhood At this stage he becomes the right hand of *paterfamilias* We have side by side with the *materfamilias* and the son traced the career of the daughter-in-law from the time of her marriage to when she has assumed a position next to the mistress of the family *Paterfamilias* now thinks of retiring from the active bustle of life, and either sits at home always counting his holy beads, holding converse with devout Brahmins and priest, upon matters of religion, or if circumstances permit goes to some holy place there to die in peace

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## THE FOLK-TALES OF BENGAL

### XXII THE BALD WIFE

A certain man had two wives, the younger of whom he loved more than the older The younger wife had two tufts of hair on her head, and the older only one The man went to a distant town for merchandise, so the two wives lived together in the house But they hated each other the younger one, who was her husband's favourite, ill-treated the other She made her do all the menial work in the house, rebuked her all day and night, and did not give her enough to eat One day the younger wife said to the older, "Come and take away all the lice from the hair of my head" While the older wife was searching among the younger one's hair for the vermin, one lock of hair by chance gave away, on which the younger one, mightily incensed, tore off the single tuft that was on the head of the older wife, and drove her away from the house The older wife, now become completely bald, determined to go into the forest, and there either die of starvation or be devoured by some wild beast

On her way she passed by a cotton plant. She stopped near it, made for herself a broom with some sticks which lay about, and swept clean the ground round about the plant. The plant was much pleased, and gave her a blessing. She wended on her way and now saw a plantain tree. She swept the ground round about the plantain tree, which, being pleased with her, gave her a blessing. As she went on she saw the shed of a Brahmani bull. As the shed was very dirty, she swept the place clean, on which the bull, being much pleased, blessed her. She next saw a *tulasi* plant, bowed herself down before it, and cleaned the place round about, on which the plant gave her a blessing. As she was going on in her journey she saw a hut made of branches of trees and leaves, and near it a man sitting cross-legged, apparently absorbed in meditation. She stood for a moment behind the venerable *mun*. "Whoever you may be," he said, "come before me, do not stand behind me, if you do, I will reduce you to ashes." The woman, trembling with fear, stood before the *mun*. "What is your petition?" asked the *mun*. "Father Muni!" answered the woman, "thou knowest how miserable I am, since thou art all-knowing. My husband does not love me, and his other wife, having torn off the only tuft of hair on my head, has driven me away from the house. Have pity upon me, Father Muni!" The *mun*, continuing sitting, said, "Go into the tank which you see yonder. Plunge into the water only once, and then come to me again." The woman went to the tank, washed in it, and plunged into the water only once according to the bidding of the *mun*. When she got out of the water, what a change was seen in her! Her head was full of jet black hair, which was so long that it touched her heels, her complexion had become perfectly fair, and she looked young and beautiful. Filled with joy and gratitude, she went to the *mun* and bowed herself to the ground. The *mun* said to her, "Rise, woman. Go inside the hut, and you will find a number of wicker baskets, and bring out any you like." The woman went into the hut, and selected a modest-looking basket. The *mun* said, "Open the basket." She opened it, and found it filled with ingots of gold, pearls and all sorts of

precious stones The *muni* said, "Woman, take that basket with you It will never get empty When you take away the present contents, their room will be supplied by another set, and that by another, and that by another, and the basket will never become empty Daughter, go in peace" The woman bowed herself down to the ground in profound but silent gratitude, and went away

As she was returning homewards with the basket in her hand, she passed by the *tulasi* plant whose bottom she had swept The *tulasi* plant said to her, "Go in peace, child! thy husband will love thee warmly" She next came to the shed of the Brahman bull, who gave her two shell ornaments which were twined round its horns, saying, "Daughter, take these shells, put them on your wrists, and whenever you shake either of them, you will get whatever ornaments you wish to obtain" She then came to the plantain tree, which gave her one of its broad leaves, saying, "Take, child, this leaf, and when you move it, you will get not only all sorts of delicious plantains, but all sorts of delectable food" She came last of all to the cotton plant, which gave her one of its own branches, saying, "Daughter, take this branch, and when you shake it, you will get not only all sorts of cotton clothes, but also of silk and purple Shake it now in my presence" She shook the branch, and a fabric of the finest glossy silk fell on her lap She put on that silk cloth, and wended on her way with the shells on her wrists, and the basket and the branch and the leaf in her hands

The younger wife was standing at the door of her house, when she saw a beautiful woman approach her She could scarcely believe her eyes What a change! The old, bald hag turned into the very Queen of Beauty herself! The older wife, now grown rich and beautiful, treated the younger wife with kindness She gave her fine clothes, costly ornaments, and the richest viands But all to no purpose The younger wife envied the beauty and hair of her associate Having heard that she got it all from Father *Muni* in the forest, she determined to go there Accordingly she started on her journey She saw the cotton plant

but did nothing to it, she passed by the plantain tree, the shed of the Brahman bull, and the *tulasi* plant, without taking any notice of them. She approached the *mun*. The *mun* told her to bathe in the tank, and plunge only once into the water. She gave one plunge, at which she got a glorious head of hair and a beautifully fair complexion. She thought a second plunge would make her still more beautiful. Accordingly she plunged into the water again and came out as bald and ugly as before. She came to the *mun*, and wept. The sage drove her away, saying, "Be off, you disobedient woman. You will get no boon from me." She went back to her house mad with grief. The lord of the two women returned from his travels, and was struck with the long locks and beauty of his first wife. She loved her dearly, and when he saw her secret and untold resources and her incredible wealth, he almost adored her. They lived together happily for many years, and had for their maid-servant the younger woman, who had been formerly his best beloved.

Here my story endeth,  
The Natiya-thorn withereth, &

## THE INFLUENCE OF WOMAN ON HINDU SOCIETY \*

[By Ram Lal Datta M. A., B. L.]

MR. PRESIDENT AND GENTLEMEN,

This evening I have come here to say a few words on the influence of Hindu women on Hindu society. I mean their influence, as it is, and as it has been, but not as it should be. The subject is manifold in its aspects and very comprehensive in its nature, and it would require a far abler hand to do any thing like justice to it. I have put down here a few stray thoughts, and I humbly crave your patient hearing.

It is an undisputed fact, gentlemen, that every society, civilized or uncivilized, is chiefly and materially affected and modified

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\* A Lecture delivered at the Hooghly Institute on 2nd May 1879

by the manners, customs and character of the individuals that compose it. In fact, these are the elements that give society its shape and form. I hope I shall not be contradicted if I assert that women exert more influence on society than men. Women, it will appear, sit at the helm of every society in which they live, they are, so to say, so many *loadstars* in it. And that is really their position in our society. They shed their influence on us in different stages of our lives and in different capacities. If we are to believe in our popular tales of romance, they tell us, that Kalidas, the best of the nine jewels that adorned the court of Vikramaditya, owed his education and enlightenment to his being ridiculed by his wife for his ignorance and stupidity. A Hindu child owes the formation of its character chiefly, if not exclusively, to its mother and sister and other female relatives, and, often times, to its nursing maid-servant. The boy sits by his grandmother every evening and urges her on to go on with her garrulous tittle-tattle, and thus imbibes a thirst after idle-talk and meaningless tale-telling. Sometimes he falls upon his superannuated maid-servant and indulges in similar luxuries. The boy at school acts only the part of an actor in a play. We cannot understand the real nature of the actor on the stage unless we enter the green room behind the scenes. We cannot analyze the habits and character of the boy at school unless we study them with reference to his associations at home with the female members of his family. A valiant and enlightened mother brings up a valiant son of well formed character, a valiant and enlightened sister assists in the bringing up of a valiant and good-natured brother. Thus do we find that the very earliest stage in the formation of our character lies at the mercy and disposal of the women of our houses. "The twig" is bent, "the tree is inclined." And the earliest impressions last the longest. The character of the grown-up youth has for its foundation the impressions left upon his mind by early associations with his mother, sister and grand-mother. Now, when he is a full-fledged young man, he is very anxious to enter into life, I mean, worldly life. A Hindu youth, unlike Europeans, has, when a student,

much to do with home-life and home-affairs. He is never sent to a boarding house or thrown adrift on the world at large to chalk out his own way. When he is a big boy of 20 years, even then his mother would sit by him when he would take his dinner or lunch, and he would not relish it in her absence. And now, gentlemen, the Hindu youth, as I have already said, gets anxious to enter into the world and he rids himself of his anxiety by getting himself married. It would be superfluous on my part to state here in this assembly of grown-up men how all men are spell-bound as it were under the influence of women, and how much our wives have to do in forming, developing and modifying our characters. And whatever may be the laws of our country, it is quite certain that our women decide our morals inasmuch as they hold possession of our heart and our feelings. "*She that rocks the cradle, sways the world*" Now, let us analyze the nature of our society, and then examine how its various features have been influenced by our women from the earliest period down to modern times. In dealing with this subject, I should take into consideration the position of women in our society during the Vedic, Brahminical and Pouranic period of early Hindu history. The guiding rules of our society were based upon strictly religious and moral principles, and the Institutes of Manu, the earliest code of Hindu laws, abundantly testify to that state of things. Though Manu describes the social position of women as inferior to that of men, still his laws bear ample testimony to the fact that, far from ignoring the position of women, he has recognized their influence in several most important concerns of men in our society. He says that "it is therefore ordained that religious rites should be performed by the husband together with the wife," for "the husband is even one person with his wife for all domestic and religious purposes." In the third chapter of his Institutes, Manu goes still further and says, "a married woman must be honored and adorned by her father, her brethren and her husband if they would obtain abundant prosperity. Where females are honored, there the deities are pleased, but where females are not honored, there all the



religious acts are of no avail " So according to Manu, the prosperity of a Hindu household practically depends a good deal upon our behaviour towards our females Manu enjoins that " a woman must always live with a cheerful temper, with good management in the affairs of the house, with great care of the household furniture and with a frugal hand in all her expenses " The code of Manu does not allow a second husband to a virtuous woman But this custom was changed during the Brahminical and the Pouranic period Polyandry and *Sayambara* were then the two leading institutions of marriage prevalent among Hindu women, although in still later times several other forms of marriage came into use Those two institutions bear testimony to the spirit of chivalry that was as much esteemed by the early Hindus as it was by the European knights of the middle ages The circumstances attending upon the marriage of Drapodi with the five Pandavas, as well as those attending upon the breaking of the super-human bow of Siva by Rama at his marriage with the daughter of the king of Videha, are evidences of the chivalrous spirit of those times, which must be admitted to be the result of female influence

During the period of Brahminical influence, and for some-time subsequent to that, men and chiefly Brahmins had as much to do with society as women It is the Brahmins who at that stage of our society gave it its shape, and divided the people into classes and *castes*, and assigned specific duties and avocations to be performed by each caste, and religion was the starting point of all their rules and laws The Brahminical influence commenced from the time of Manu

Then in the days of the Puranas, we find numerous rules and laws framed for our society But there appears a striking point of distinction between these rules and those of the earliest period The Pouranic rules have much to do with the manners, customs and doings of women All the various religious ceremonies and observances called *vratus* are enjoined on women by the Puranas We can very well account for the introduction of such new rules by the authors of the Puranas--rules that did not

exist at the Vedic times or in the times of Manu. The law-givers of the Pouranic period saw that the strict religious tendency of the men of those times was fast falling off, that the study of logic and philosophy was turning men away from the path of strict religion and was interfering with the original principles of Hindu law and Hindu society. They saw that the dominion of faith over men was becoming less and less powerful, they saw that the spirit of the times was changing outright, that it was impossible any longer to make men submit to faith and renounce the cause of logic and philosophy. They saw that the progress of the *Boudha* religion was making men practically atheists and that the tendency of the age was growing fast into materialism. This was really a crisis for the Hindu law-givers of the Pouranic period. Their fertile brains began to work, and they laid hold of the women of our society, who, they saw, were most suited by their nature and education to keep up the old faith and to neutralize the atheistical tendency of logic and philosophy. Thus we can very well account for the Pouranic *Vyavasthas*. The eighteen Puranas are all brought with strict injunctions upon us to perform the worship of the incarnation of gods and goddesses and the various forms of religious ceremonies and observances. We see that the introduction of these rules into our society had its desired effect. Men and women both became advocates and followers of the Puranas. So much so that for some time there appeared a perceptible reaction in the tendency of the times, but this did not last very long. Men began to recede, but not so the women. They remained staunch followers of the Puranas, they remain so up to the present day. In modern Hindu society men have scarcely any thing to do with religion. It entirely rests upon our women for its support. Not a day passes but some religious ceremony or other must be performed by women in the household of every one of us here present. You will see, gentlemen, that our females constitute the essential religious element of our society. And I shall by and by shew how wholesome and salutary is the influence they exert upon our society at large.

I shall here quote one or two instances from our early legendary history. The character and mode of life of Savitri, one of the most renowned women of our legendary period, have been regarded, since those days, as a model of female chastity. We are overpowered with veneration and our hauns stand on end when we read the history of Savitri's life. The influence of her character and example on our society is so very great that you will hear her name from the lips of the most illiterate peasant girl. The ceremony of *Savitri vrata* is observed in honor of the mode of life which Savitri led. There is not a single household in our society of which the women do not perform that *vrata*, and Savitri's name is used colloquially in our language as the model of a chaste woman. So again, the life of Sita is a specimen of female virtue and female accomplishments. Arundhati the wife of Vashistha is a living instance of matronly virtue. And none can read the life of Parvati except with admiration and a feeling of reverence.

The illustrious author of the Ramayana appears to have intended to depict the circumstance of the obstinacy of Kaikeyi prevailing upon Rajah *Dasharath* for banishing his eldest son, as an instance of the pernicious effects of polygamy and of the blind submission of a husband to the unrestrained wishes of an evil-spirited wife. The evil effects of the influence of women over our character are too manifest to necessitate a detailed description.

In modern Indian history, the religious and charitable acts performed by Ahalya Bye of Maharastra are worthy of note. She established several alms-houses and dedicated temples and estates to Hindu gods and goddesses, and for this reason she is most revered by the present age.

Another example of female influence on Hindu society. We know of instances of orthodox Hindus who when rising from their beds early in the morning every day repeat the names of five women of the mythical period of Hindu history, *viz*, *Ahalya*, *Droupadi*, *Koonti*, *Turva*, and *Mondodori* in the hope of extricating themselves from all sorts of *Mahapataks* (great sins). This is

a very striking instance of the influence of those legendary female characters swaying the minds of men even of the present age

The custom of *Sati* rites or burning of Hindu widows had for a long time a paramount influence over Hindu society. All Hindu widows thought it a duty incumbent on them to die with their deceased husbands. Many of us can well now call back to memory the time when those rites were finally abolished. Such was the prevailing force of this custom that even the educated and enlightened men of those times could not say a word in opposition to it. I am not quite certain, seeing the inveterate nature of our customs, if this custom of *Sati* rites would not have continued up to the present day unless repressed by the judicious interference of the British Government. But in treating the subject in the way I have done, I cannot help stating that though the result of this custom is certainly pernicious, the sentiment which gave rise to it originally was decidedly laudable. This is one of those customs that verifies the observation of a learned historian that the religious feeling of the Hindus is deep and sincere though perverted in the extreme. Every one acquainted with modern Indian history knows how the *Mahatma* girl Mookta Bai fell into fire to die with her deceased husband in spite of the heartrending entreaties of her mother.

No one for a moment will hesitate to admit that every Hindu house-hold is a unit that accumulates with other units of the same nature and forms the aggregate mass of Hindu society. I have already stated in the beginning how our boys and girls are brought up by the matrons of our house-holds, how their characters are formed in the way in which they are nursed, and how their education is affected by the education and character of the women in the family.

And, now, gentlemen, I shall show how far we Hindus are entirely dependent upon our women and what advantages and benefits, if any, we reap from their examples. Take for instance our marriage ceremony. How many of the male members

of our society are intimately acquainted with the numerous minute observances that are performed and that must necessarily be performed at a Hindu marriage. Of course I make an exception in the case of Hindu priests who make it their profession to study all these particulars. But we have often times seen our elderly women superintending the acts of our priests at a marriage-ceremony. And why in the marriage ceremony alone? All other ceremonies that are almost daily observed in a Hindu house-hold are intimately known to our females more than to any body else. Every house-hold must have its female members who are the only persons that take an active part in the performance of these ceremonies. If there be no female in a family, then at the marriage of any of its members we must ask the assistance of some female neighbour, otherwise it would be practically impossible to complete the marriage. Again, we all know what important a part our women take in a marriage. It is this circumstance chiefly that makes a Hindu marriage an interesting incident in a Hindu's life. The fact of the priest coming and reciting certain *mantras* in making over the bride to the bridegroom, has of itself nothing to make an impression upon our minds. But it is the concomitant circumstances brought about and presided over by females that make our marriage a charming incident on which even an octogenarian looks back with heart-felt glee.

In the matter of the regulation of our food and diet, we are chiefly dependent upon our females. The choice of our daily food lies in them except in those rare instances where the *karta* of the family chooses to be very greedy and has nothing to do except keeping a sharp eye about the cook-room.

There is one circumstance in which our elderly females have done and are still doing immense service to our society. I mean in the case of the diseases of infants and children. The time is not yet out of memory when ninety-nine per cent of our population know not the face of an English doctor or the colour or taste of English medicines. It was then that the advice of our elderly matrons was invariably resorted to in cases of the

diseases of new born babes and infants And the experience of many of us here will tell us how their advice and suggestions were taken without scruple as gospel truth, and how efficacious they proved in the majority of cases without failure Thus our women have saved the lives of many of us at no expense and with very little trouble They are doing so even at the present moment, and none dare deny the most useful services they render to our society in this respect

In matters of domestic economy, our females take the lead In fact it is from them that we learn to be economical The prodigality of the son or of the husband is always restrained by the mother or the wife They are essentially of a practical turn of mind and in all house-hold concerns their advice is principally followed

The authors of our *sastras* have classified our women into different groups according to their natures and the structure of their body And at a Hindu marriage we always consult our learned Brahmins as to whether a girl having a high forehead or peculiarly shaped toes would not bring evil upon her husband "A prudent Hindu," says Manu, "will not marry a woman whose eye-brows meet or one whose teeth are apart and resemble tusks" Thus we practically go so far as to recognize the physical influence of our women upon ourselves

I would not be going too far if I were to say that *Jimutavahana*, the author of the *Dayabhaga* has not lost sight of the position and influence of women in regulating the rules of Hindu inheritance Next after the son's grand-sons and great grand-sons of the body, he gives the wife and the daughters preference to all other male heirs of the deceased Mitakshara goes still further and gives the mother preference to the father

Now I come to a most striking feature of our Hindu society with respect to which the influence of women has universally been recognized I mean the institution of early marriage Much was said and much was written about the advantages of early marriage on the one hand, and the disadvantages and evils arising therefrom on the other But my business this evening is not to

dwell upon either. What I mean to say is, that early marriages are principally owing to the recognized influence of females directly upon our character and indirectly upon our society. Why do we get our sons married at so early an age even when they have not yet passed their teens? Is it not because we are compelled by the females of our household? Is it not a fact, gentlemen, a stubborn fact staring us in the face, that the mother of the boy wishes to see the face of her much-to-be-beloved daughter-in-law, and the grand-mother, her more-to-be-beloved grand-daughter-in-law, and also if Heaven would so permit, the first born babe of the newly-married pair? Yes, it is a fact, and there can be no denying it. We often times, why oftentimes, we always and invariably yield to the wishes and desires of our mothers and wives in this matter. And I appeal to your daily experience as to whether we do so or not. But in this act of ours, besides yielding to the wishes and desires of our females, we do something more, we practically acknowledge that the influence of women over men is of a healthy nature, and so we hasten to marry our sons at an early age with a view that their characters might be properly developed under the benign influence of woman, and that they would learn to be sober with respect to their thoughts and doings about worldly matters. Many of us have seen instances in which men gone astray, have been restored to the path of rectitude on being so married. So I have shewn that the institution of early marriage proves a virtual recognition of female influence on our society.

The exemplary habits and character of the women of the early period of our history have kept up the religious tone of our society up to the present day. Our modern women follow those examples and systematize their religious conceptions and habits in imitation of them. Were it not chiefly for our females, our priests who form a very important element in the constitution of our society, would have died of starvation and their class would most probably have been extinguished. Our three hundred and thirty millions of gods and goddesses would by this time have

gasped for breath In studying the religious nature of our women and also of our society, we are struck with one astonishing circumstance Our women are religious, but they are quite innocent of the reason or the philosophy of their religion They do not care to inquire after either They are by their natural disposition, prone to religion and superstition All the reason they know of is to elevate their character and better their position in the world to come

I have stated to you, gentlemen, that our women are the sole mistresses of our households and that their influence is paramount in all matters connected therewith It is women alone that make our houses so many centres of felicity With Montgomery I might say,

“Here woman reigns, the mother, daughter, wife,  
Strew with fresh flowers the narrow path of life”

Woman is like a spring of fresh water starting up from the flint, she cheers the cheerless, she brings solace unto the lacerated heart, she softens the hard-hearted and renovates the withered one Her influence embraces the whole of our lives “A wife—a mother—two magical words comprising the sweetest source of man’s felicity” In our society the influence of the mother is most predominant Her dignity is said to be even superior to that of Heaven And the authors of our *sastras* have gone so far as to say that “he that has no mother in his household and whose wife always speaks discourteous language should go into the wilderness since his home is wilderness itself” Is there a Hindu household in which the voices of the mother and the wife do not carry the day? The domestic life of Hindus is far different from that of any other people, and the greater portion of a Hindu’s existence has to do with domesticity And in his domestic life, he is entirely dependent upon and guided by the females of his household A Hindu household does not consist only of man and wife, but it has numerous other people in it, and the majority of them are women in ninety-nine cases out of hundred And we can very well imagine their influence on our character and our doings Very aptly has the master-poet observed that “they



are the books, the arts, the academics that show, contain and nourish all the world " -

No doubt our Hindu females are in a great measure superstitious, and it is they that are practically fighting daily with the in-coming light of western education. But, gentlemen, as I have already said, they should be judged of by their motives which must sincerely be admitted to be of the highest order and free from all taint. For every one of our superstitious customs appears to be based upon a careful study of the physical and moral nature of man, and we cannot be justified in condemning them without analyzing them and tracing them to their sources. We hear it daily, almost hourly said that the progress of civilization among us is materially retarded by the superstitious tendency and habits of our women. But I think on the other hand that it is an approximation to truth, if not true in itself, that the superstitions of our females are the antidotes to those numerous corruptions that are attendant upon the civilization of modern times, they are so many defensive armours of our society that are protecting us against the venomous darts of those corruptions. But their strength is fading away, and a sound observer of Hindu society would certainly regret their gradual decay. In these days of scientific researches and scientific successes, in these days of telephones and microphones, I may seem to be extremely singular in advocating the cause of our decaying superstitions. My apparent leaning towards conservatism may seem inconsistent with the spirit of this age. But no, gentlemen, we should take a liberal view of things. I do not mean to say that our superstitions are productive of unmixed good, for there is no rose without its thorns. I simply assert that they should not be so ill-spoken of and looked down upon as they generally are.

Now, gentlemen, it is time for me to conclude. I have glanced at the position and influence of Hindu women during the Vedic, Brahminical, Pouranic and modern periods of our history. I have shewn how the character of our civilization of ancient and modern times has been essentially affected by their character and education. And I have further shewn that Hindu

women are in a great measure the arbiters of the superstition, religion and morality of Hindu society, that their influence is an all-pervading substratum underlying our manners, customs and usages, in fact, our entire social condition, and that it is this influence that forms the corner-stone upon which stands the huge superstructure of Hindu society,

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## BABOO KESHUB CHUNDER SEN'S LAST LECTURE

*By A Hindustani*

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When—upwards of a year since—we set forth in these pages the inherent worthlessness of Brahmoism, we did not anticipate that it would be so soon disgraced by its own leader. We were sure, as we had no hesitation in stating, that the system was fast hastening towards the dust from which it had sprung, but, though sure of the stability of the ground underneath our feet, we did not expect that our vaticinations would be so soon realised, and that the very parties, who then condemned the tone of our article, would in so short a time recognize and even praise the accuracy of our statements and the correctness of our predictions. Babu Keshub Chunder Sen has committed moral suicide. He has done so, not so much by a few solitary acts and solitary utterances, as by a systematic exhibition of his levity, frivolity, sentimentalism and worldly-mindedness. It is true that his reputation has been irremediably ruined by his inability to resist the temptation involved in the Cuck Behar marriage, and his subsequent attempts to justify it. But he had lost the confidence of sensible people even before he demonstrated with such fatal precipitancy the worldly-mindedness which lay concealed beneath his assumed character of self-denial and asceticism. The fickleness with which he has changed his religious views has damaged his reputation more thoroughly than any wild utterances by which he has shown the vagrant tendencies

of his thought and feeling. Nothing set forth the completeness with which he has gone down in public estimation than the reception his recent discourse on Christ has met with in Calcutta and elsewhere. Contrast this reception with that which the discourse on Christ, delivered by him at the commencement of his career as the leader of the Progressive party of the Brahmo Somaj met with, and you will see the chasm which separates his present position and that which he occupied in what might be called the hey-day of his glory. His first discourse on Christ raised him from obscurity to fame, and placed the movement associated with his name on a solid basis. There was of course nothing original in his address, nothing fitted to justify the plenitude of praise lavished upon it. Had it been delivered by a believer, no notice would have been taken of it, —no notice we mean but such as might set forth its inconsistency and inadequacy, but the accident of the address being looked upon as a move on his part and of his party in the right direction, gave it an amount of celebrity a hundredth portion of which it did not merit by virtue of its inherent worth. It gave undeserved honor to his name and undeserved stability to his creed or system of faith. Religious people hailed it as one of the most promising signs of the times, and missionaries thought that the bright day they had been praying for had dawned. A very intelligent and distinguished Bengali Christian solemnly advised his countrymen to “follow Keshub,” and the venerable Dr. Duff honored it with an eulogistic notice in an address delivered in Scotland. But the confidence he then inspired he has irretrievably lost. His movement, then jubilant with new-born energy, is now in the pangs of death, and he bethinks himself of an expedient fitted to revive the dying system and regain his lost reputation. He delivers another discourse on Christ, speaking of Him in terms of praise compared with which those abounding in the first address are tame, but the public laughs at him. He has changed his views so often, he has spoken with such glaring inconsistency and incoherence, that there is no trusting in him. It is useless to swear that the chameleon

is green, for when the examiner looks upon it, the color may have changed. "We were deceived with reference to Babu Keshub Chunder Sen, but we have been undeceived"—said a very intelligent Bengali Barrister-at-law. It is impossible for Babu Keshub Chunder Sen to deceive the public any longer or any more!

Mr Sen's recent utterances show that his mind has undergone a sad change, if it has not entirely lost its balance. The most characteristic feature of his public addresses has always and invariably been what may be called rhapsodical wildness. His inability to arrange his materials in a proper manner, to carry on an argument, or to impart to his discourses the character of logical accuracy and precision of thought, has been displayed ever since the beginning of his career. But his recent addresses present the defects of his style in exaggerated forms, and the tiresome repetitions, the harsh transitions, the incongruous metaphors, and the inaccurate reasonings, with which they bristle, may be represented as a correct index to a sad change in his mind and heart. But the aggravated points of his style are not the only things which argue a terrible disturbance of the balance of his mind. The sentiments expressed do so even more thoroughly than these culpable and reprehensible defects. The very fact, that he believes that he can raise his sinking reputation by attributing his "mistakes" to God, and ascribing "idealism" to Christ, shows that ere long his friends will have to take care of him more than they have been obliged to do up to date! We can not explain his present attitude without attributing some degree of fanaticism, or, as he himself prefers to call it, madness to his character. But there is method in his madness, and his recent utterances are intended to cover that worldly-mindedness, which recent events have brought into bold relief. His discourse—Am I an inspired Prophet?—is a vindication of the marriage which displayed the genuine stuff of his heart, and his discourse on Christ is a justification of these expressions in its predecessor to which objections have been taken. In these, as in all his other addresses, it is himself that he preaches—vindicated

justifies, exalts and glorifies. But these, more than others, are pre-eminently fitted to set forth his character as a compound of fanaticism and shrewdness—the latter element being preponderant.

These discourses are also fitted to show that the boasted theism of the Somaj is being sublimated into pantheism. The history of Theism in the world shows that it lacks vitality. It is not a being, but a process of becoming, now theistic, then materialistic, and anon pantheistic, always tending towards atheism, in which it finds its elysian repose. The Theism of Calcutta sprung from pantheism, and after passing through various phases of development, or a process of becoming, it is now sinking in the abyss from which it emanated. Through the inclined pathway of pantheism, it is sliding down into atheism in theory and libertinism in practice. Such has ever been the fate of Theism! Barring the general tendency of this system of faith, there is an additional reason for the refining process by virtue of which Calcutta Theism is evaporating into pantheism. This system has always had a pantheistic element in it, its god-father being Theodore Parker, who represented God as “the substantiality of matter,” and who was more of a pantheist than a theist. Again, it is too subtle, too weak, too lifeless, who able to withstand the influence exerted on it, across the chasm of ages, by the ancient pantheism of the country!

Let us now confine ourselves to Mr Sen's recent discourse on Christ. The panegyric on the missionaries, with which Mr Sen commences it, is, to say the least, misplaced. Certainly these gentlemen deserve praise for their sincerity, their philanthropy and self-denial, but their work, viewed from the standpoint of Babu Keshub Chunder Sen, has been pre-eminently detrimental to the interests of the country. They have instead of presenting a true picture of Christ, spread out before us a miserable caricature,—held up, as it were, before “us a Western Christ,” “an English gentleman,” who instead of doing any good to the country is leading it on towards drunkenness and other bestial vices. The real Christ, the Christ India needs, has been quietly

shelved by these misguided men, and the false Christ, the Anti-Christ fitted to ruin the land has been thrust into the foreground. Surely the disastrous nature of their work ought to be pointed out and condemned in sharp language, even when Mr Sen is generously disposed to praise their philanthropy and self-abnegation. At all events the extravagant praise lavished on them should have been withheld. But is the charge brought against the missionaries correct? Have the missionaries, or has England through the missionaries presented "a Western Christ," an English Christ rather than the Personage who appeared eighteen hundred years ago to regenerate the world? No. They always point their finger to the Gospel portrait of Christ, and call upon India to believe, not in the Christ depicted in the various biographies of our Lord which have appeared during the last thirty or forty years, not in the mythical Christ preached by sentimentalists, but in the personage portrayed in the New Testament. How they can be reasonably represented as preaching a Western Christ we fail to see. The missionary does not ask people to believe even in his own idea of Christ. His idea of Christ is correct, inasmuch as it harmonises with that presented in the New Testament, but though sure of its accuracy he does not strive to transfer it to our minds. He asks us to go the fountain itself and drink—to study the Gospel portraiture of our Lord, and make Him, as set forth in the New Testament, the object of our adoration and worship. When they are in reality so modest and faithful, when they gladly retire into the shade, leaving the portrait of the Master as drawn by the pencil of inspiration in the foreground, to accuse them of preaching a western Christ indicates the very height of unfairness and injustice. Mr Sen pays them a few meaningless compliments, and then with the most glaring injustice brings against them an accusation the most serious and damaging that can be preferred against a body of public teachers. And the cream of the matter is that in thus complimenting and assailing them he expects to conciliate them!

But we wish to turn the tables on him—wish to bring

against him—in all its entirety—the serious charge he has unjustly preferred against the missionaries. He is really guilty of the offence charged upon them,—guilty of preaching a Christ other than that of the Gospels, a Christ of his own creation, or rather a Christ of the creation of the authors whose sentiments he has ventilated as his own with unblushing impudence. Let us remark by the way that he has not during the entire period of his career as a religious reformer, brought forth a single sentiment, or even a shadow of a sentiment which may be called his own. He is *par excellence* a copyist, a servile imitator, but he has the audacity to bring himself forward as an original thinker. His rationalistic and pantheistic explanations of Christ's sayings were current in Christendom when he was in his cradle, if not in some shape or other long before his birth,—but he seems to have recently got hold of some popular pamphlets presenting these interpretations. Having mastered them, he comes forward as an original thinker destined by “inspiration” to teach the world out of its illusive and delusive views! But be that as it may, the charge he brings against the missionaries may be brought against him and substantiated. He preaches a Christ other than that of the Gospels,—holds up a miserable caricature rather than a fair portrait of our Lord.

1 In the first place he preaches an Eastern or Asiatic Christ, and therefore a Christ of his own invention. The Christ of the Gospels is neither Eastern nor Western, neither Asiatic nor European, neither a pseudo-hermit like Babu Keshub Chunder Sen, nor an English gentleman like the free thinker who accommodated him when he visited England. The most peculiar and distinguishing feature of Christ's character as depicted in the gospels is its *universality*. Christ as therein set forth belongs neither to this country nor to that, neither to this age nor to that, —He represents, not one age but all ages, not one nationality but all nationalities, not one condition but all conditions of society. He is the incarnation of the excellence of all ages and countries, all conditions of life and degrees of culture, and a living protest against the vice associated with them all. He is the

Universal man, the model man, the Son of Man claimed by every country as its own, by every age as the type of all its excellence, by every state or condition of society as the highest development of all that is good in it. Though born and bred in Judea, He was marvellously above Jewish prejudices,—though brought up in an age disfigured partly by bigotry, partly by scepticism, but generally by licentiousness and profligacy, He presented a character balanced between formalism on one side and unbelief on the other, between asceticism on one side and libertinism on the other. Nor was His character moulded by the learning and wisdom of the age, the mysteries of Cabalistic lore, or the quibbles of heathen philosophy. The Christ of the Gospels is emphatically the Model Man for all ages and all countries, all degrees of civilization and all stages of culture. The missionaries preach this Christ, but Baboo Keshub Chunder Sen preaches an oriental Christ, an Indian Jogi who believes in asceticism, practises austerities, and curses every body whose face is occasionally radiant with a smile. And therefore while the missionaries preach Christ, the Baboo preaches a phantom of his own creation, and may justly be accused of the sin of misleading and deceiving his ignorant countrymen.

2. Observe in the second place, that Mr. Sen's Christ is "an idealist." He lives in an atmosphere of idealism—He not only breaths idealism, but feeds upon idealism. He lives, we dare say, in the Biahmo Mandir, where fictions are looked upon as facts, and phantoms are believed to be realities. But the Christ of the Gospels was neither an idealist nor a realist in the various philosophical senses of the terms;—or rather Christ was not a metaphysician and did not spin beautiful theories either in favor of subtle idealism or gross realism. He was a realist however in the common-sense meaning of the term, and He looked upon something as terrible realities. He looked upon suffering as a dreadful reality, and exerted His superhuman power in mitigating it. He looked upon sin as a tremendous reality, and poured out His life-blood to wash it away for the benefit especially of those who should believe in Him. He looked



upon selfishness and hypocrisy as appalling realities, and denounced them with a mixture of indignation and sorrow, such as had never before and has never since been paralleled in the history of the world. And if He were to appear on earth now, He would in a similar manner denounce every species of idealism by which realities are converted into phantoms, and phantoms into realities. The Christ described as an idealist of the first water is not the Christ of the Gospels. He is doubtless the Christ of a great number of thinkers, the Christ of Spinoza, Fichte, Schelling, Hegel, Strauss, Renan, and others, but He is not the Christ preached by the apostles eighteen hundred years ago, and by missionaries in these days. Babu Keshub Chunder Sen by preaching this Christ, this champion of idealism, preaches a Christ other than that of the Gospels, and the charge he prefers against the missionaries he ought to have brought against himself.

3 Mr Sen's Christ moreover is "a Yogi, full of Hindu devotion and communion." The Christ of the Gospels was *not*, as already stated, an ascetic—His forerunner John the Baptist was an ascetic, but He came eating and drinking. He lived in thickly populated towns and thronged cities, not in sequestered forests and dreary wildernesses. He graced marriage festivals with His presence, accepted invitations from proud Pharisees as well as humble publicans, loved little children, and strove to make life joyous as well as holy. We do not see the slightest tinge of asceticism in His character, nor the slightest tendency to moroseness and gloom. He illustrates in His life His own moral teaching, which is the golden medium between gloomy asceticism and lawless libertinism, and He stands before us as far removed from the self-imposed austerities, that dry up the springs of sympathy and tenderness in the human heart, as from the feats of licentiousness that corrupt and vitiate them. The grandest thing in the character of the Christ of the Gospels is its equipoise, its evenness, its perfect balance, and the man who makes Him an advocate of monastic self-persecution is by no means better than he who makes Him an advocate of licentious

self-indulgence Mr Sen's Christ however is an ascetic, not of an accidental, but of an oriental type, "a Yogi, full of Hindu devotion and communion" Mr Sen's modesty has prevented his saying what he certainly believes in, and what we ought to add His Christ is a Yogi of the Brahmo type, not one in any respect like those whom we see walking in our streets or congregated before the shrines of the national gods, but one who, like the self-denying Babu himself, cooks his own food with the assistance of an army of servants, secures alliances with high folks at the cost of his principles, and burlesques asceticism, while availing himself of all means, fair or foul, of aggrandizing himself and his family This important personage the missionaries abominate the very idea of preaching or of identifying with the Master they preach, and of course their conduct appears to men, who evolve their religion from their own hearts for the purpose of concealing what is in them, worthy of censure

4 Mr Sen's Christ is in the fourth place a rogue, an arrant knave He makes use of ordinary words in an extraordinary sense, and skilfully conceals his meaning under a cloud of mysterious utterances He wishes to express the simple idea that he has succeeded in extinguishing self, but he *says*—I and my Father are one! He asserts his pre-existence in the most emphatic manner conceivable, but he *means* that like all human beings, or rather all things mundane, he existed in the mind of God as an idea! He therefore says one thing and means another, seeks the homage of mankind by means of a few ambiguous words and phrases artfully handled! Is he not a rogue? Need we say that the Christ of the Gospels was made of very different ingredients indeed Truth he could neither conceal nor suppress Truth He fearlessly proclaimed at all times and under all circumstances To Truth He died a martyr He asserted His Divinity because He was Divine, asserted His Divinity, not in terms of dubious meaning, but in an unequivocal and emphatic manner, asserted His Divinity when its concealment might have saved His Life When the high priest in the sanhedrim solemnly laid an oath upon Him, and asked Him to state whether He was the Christ, the Son

of God, He appropriated the title to 'Himself, claimed Divinity, and stirred up that vehement protest against His supposed "blasphemy" to which the sentence of death pronounced against Him ought to be traced. He was not an impostor—His life protests against the unworthy supposition. He was not an enthusiast, the sublime equipoise of His character protests against the unworthy supposition. He was therefore what He professed to be God-man Emmanuel, God with us. His life proves His Divinity, and as the ancient doctrine of the Church regarding His two-fold nature is the doctrine preached by the missionaries, not a diluted form of it, their conduct elicits animadversions in quarters where frightful phantoms have been conjured up to conceal obnoxious truths.

5 Mr Sen's Christ is after all a series of ideas. Hear what he says, "He is coming, and in the fulness of time Christ will come to you. He will come to you—as self-surrender, as asceticism, as Yoga, as the life of God in man, as obedient and humble son-ship. For Christ is nothing else." When will this little man cease to blaspheme? The Calcutta Correspondent of the *Lucknow Witness* says that he could not encourage by his presence such gross misrepresentations of our Lord, and he is right. If Christians unite in expressing their abhorrence of such wild, blasphemous talk, the culprit may mend, but they still go on patting him, and the consequence is, that his audacity becomes day by day more and more shameless, and his blasphemies more and more boisterous. He is decidedly "inspired," and Christendom will doubtless thank him for the generosity with which he is endeavouring to deliver it out of the trammels of error. We have of course no hesitation in believing that he is not responsible for his acts and utterances, and we congratulate the public upon the fact that he is securely lodged in the Brahmo Mandir.

### MAN'S MORAL ACCOUNTABILITY

One of the things on which an ancient philosopher congratulated himself was, that he was a *man* and not a beast. And

certainly it is a great privilege to be a member of the human family. Man is the noblest creature upon earth. Survey the wide world and examine all the animated beings which live upon it in order to discover a creature equal to man, and you will survey and examine in vain. The earth contains not his fellow—his second. Observe him in the vigour of manhood, walking in the majesty of strength and the charms of gracefulness, his attitude erect—the emblem of command, his cheek blooming with health, and his eye beaming with intelligence, and you would suppose him to be the god of this lower world. His bodily frame, in exquisiteness of mechanism, in complexity of parts, in beauty and in majesty, is far superior to the rest of the inhabitants of the globe. But his body is the least glorious and wonderful part of man. His mind, which after all constitutes his essence, is vastly more wonderful. For what can be more wonderful than the faculty of *attention*, by which the mind fixes itself upon an ideal object and subjects it to a mental dissection? What can be more wonderful than *memory*, which exercises dominion over the past and calls back ideas from the womb of forgetfulness? What more wonderful than *imagination*, which “bodies forth the forms of things unknown?” What more wonderful than *judgment*, which discerns the tie that links one proposition to another and deduces conclusions from them? What more wonderful than the *will*, which exercises a sort of sovereign sway over all the powers? And in fine, what can be more wonderful than “those thoughts which wander through eternity”? A being gifted with such rare endowments and possessed of such splendid powers, must, when compared with any thing that our world affords, be pronounced truly great. When we thus look at man so richly endowed, so rarely gifted we cannot help asking—Whence has this noble being come? Has he any duties to discharge? Is he clothed with any responsibilities? Does he exist only for a few brief years? Has he a nobler destination than the creatures around him? Or is he so magnificently furnished only, like the gay butterfly, to sport awhile for a few summers, and then perish for ever?

As to his origin, every one must admit that man, with the beautiful earth of which he is the glorious inhabitant, is the workmanship of God. For we reason, and reason justly with an ancient writer, that "every house is builded by some man, but he that built all things is God," or in other words, from our innate conviction of the truth of the axiom, that "every effect must have a cause and a cause adequate to the effect," we infer that there must be a God and a God of vast power, wisdom, and benevolence. But the consideration that man has been created by God leads us to ask with greater eagerness, concerning his destination. Is it possible, we naturally ask, that so wise a being as God would create man, as he is, to answer no other purpose than is served by the brute creation? Is it likely that God, who is possessed of infinite intelligence and wisdom, would spend exquisite skill in the construction of man's body and more exquisite skill in the decoration of his mental constitution, for no other object than that he should gratify his appetites and sink into oblivion? Let us interrogate human reason, let us catechize the nature of man, let us examine him in the integrity of all his powers and susceptibilities, and see whether any reply is returned to our anxious questionings.

On a new view of man we find that he has not only a physical and intellectual, but also a moral nature. He has a perception of the nature and quality of actions as right or wrong, just or unjust. He is so constituted that a certain line of conduct appears to him right, and a deviation from that line, wrong. He pronounces these judgments on actions, not on the ground of their utility, not on account of their tendency to afford him personal gratification, not for their beneficial influence on those around him, but solely because of his moral constitution. The only account which he gives of these judgments is, that he is so constituted that he cannot help pronouncing them.

He cannot help believing that a certain cause of actions is right, and a certain other, wrong. There is something in him, call it moral sense, moral susceptibility, moral feeling, conscience, or any thing you like, but there is something in him which

tells him that he ought to pursue one line of conduct and avoid another. This moral perception is universal in the entire race of man. It may be imperfectly developed through want of culture—it may be diminished by a course of life-long turpitude—it may be overborne by the violence of the passions—it may be overlaid by sophistry, nevertheless its germ is to be found in the depths of every human heart. On this moral perception—on this approving voice of the conscience, is founded social morality—that large class of duties which as fellow-men we owe to each other.

But the influence of this moral perception, of this sense of obligation, does not confine itself to our fellowmen. It extends to the unseen Author of our nature. We have some impressions, however languid, of justice, goodness, benevolence, in our own conduct, we approve of them in the conduct of others, hence we cannot help concluding that our Creator must have them in a pre-eminent degree. Hence the conviction universal in humanity that God, or that power which is superior to man, is possessed of moral attributes, that he is just and good, righteous and holy. And hence that moral responsibility which impresses us with the conviction that we are responsible to God for our conduct. The doctrine of human responsibility is in accordance with the nature of man. The idea of responsibility is a complex one. It is evidently composed of three simple ideas. There is firstly, the idea of a *questioner*, secondly, there is the idea of an *obligation* on the part of the questioned to give an answer in a certain way, and thirdly, there is the idea of the natural freedom of the questioned. If these three ideas do not obtain, if any *one* of them does not obtain, there can be no such thing as responsibility. If the questioner does not exist, there can be no room for responsibility, for there can be no answer to the question of a non-existent being, or in other words, there can be no answer to a question which has not been put. If there be no obligation on the part of the questioned to give an answer, the interrogator may put forth his question in accents of the loudest thunder, and yet no answer may be returned, for the questioned is bound by

no tie to the questioner, in which case, there can plainly be no responsibility. Neither is there responsibility, properly so called, on the supposition that the questioned has not freedom, and consequently is unable to answer, for where there is natural constraint and consequent inability there can be no obligation. Now these three ideas—these three conditions obtain in the case of man. There is a being infinitely inferior to man. That being has created him, has distinguished him from the rest of his creatures by noble gifts. God therefore has a right to question man. Here then is a questioner. That there is an obligation resting in man to answer the question of his maker no mortal will deny. In him he lives and moves and has his being. He cannot, therefore, without doing violence to his moral constitution, disregard the interrogations of his Creator. And that man has natural freedom and consequently natural ability to determine for himself, that he is not overborne by restraint, that he has the liberty of doing as he pleases, will commend itself to the consciousness of every individual of the human family.

But for establishing the fact of human responsibility we need not have recourse to these *a priori* considerations, which at best prove its probability, neither to the process of reasoning, however short and natural, to which I have alluded. I appeal to the instinctive consciousness of man. Whatever difficulty, whatever mystery, whatever obscurity, may hang over the metaphysics of the question, (and what subject is there which is not wrapped up in mystery and which does not transcend human comprehension? the universal consciousness of humanity establishes beyond the shadow of a doubt the fact of man's moral accountability. There is something in me which tells me that I shall have to answer for my conduct and character before a higher power. When I do wrong and my conscience disapproves of the action, I feel the gnawing effects of remorse. When I analyze the agony of remorse, I find that much of it is, doubtless, owing to the strong disapprobation expressed by the "*man within the heart*," I find, however a *residuum* of agony (if I may be allowed the expression) which is not accounted for by the

lashings of my conscience, but which is the effect of my apprehension that the deed for which my conscience, so sharply reproves me is witnessed by an unseen being to whom, as I am intuitively conscious, I am responsible for my conduct' This sense of responsibility is to be found in the bosom of every man. It may be weakened, it may be bedimmed, it may be perverted and distorted, nevertheless it does exist. I appeal to men whether in the innermost recesses of their mental being there is not the conviction of responsibility to a higher power? A sentiment so universal cannot be a mere delusion. It must have its counterpart in our actual relationships to the Deity. It must have been planted in man by the finger of the Almighty.

Human responsibility, the sense of which, as we have just seen, is universal and deep-rooted in man, respects his conduct, character, dispositions and belief. I am responsible for my actions, for I feel that I can do just as I like. I can lift up my hand just now if I choose, I can pursue a certain course of action if I will to do so. I do not feel that I am under any restraint. So far as my consciousness goes, my will is the only controller of my actions, and hence I am responsible for them. But I am responsible not only for my overt acts, but also for my dispositions for my feelings, and for my belief. To this it has been objected that a man cannot be responsible for his dispositions and opinions, since they are not voluntary. I cannot by an effort of my will alter the existing state of my affections. I cannot love or hate, because I cannot help doing so. My will exercises no control over my love or my hatred or any of my feelings and affections, and therefore, it has been said, I cannot be responsible for them. Neither can I by the putting forth of my volition change my opinions, which have been formed on evidence and arguments over which I had no control. I am, therefore, no more responsible for my belief than for the "hue of my skin or the height of my stature."

Now, in reply to these plausibilities we say that affections, emotions or feelings, are after all not quite so involuntary as they are represented to be. In their distinctive nature they are



involuntary, but they are voluntary in their production. The emotions are dependent for their rise on intellectual states of the mind, and sometimes on corporeal sensations, and intellectual processes and bodily actions, are notoriously under the power of the will. *After* the feelings have been excited they are, doubtless, involuntary, but whether they will be excited or not depends entirely on volition. It is true, I cannot will directly to love a certain individual, for the emotion cannot be commanded. Nevertheless love will not be produced in me unless by an effort of attention I dwell on the amiable excellencies of the individual. Now, attention is under the dominion of the will, wherefore the will has an indirect influence on the emotion of love. So in like manner, it is true that belief is an involuntary state of the mind, but I cannot believe except on evidence, and I cannot appreciate the force of evidence without an effort of attention, and attention is under the immediate control of my will, and my will to influence my attention is in proportion to my love of truth, or, in other words, to the condition of my moral feelings. Thus man is responsible not only for what he *does*, but for what he *is*, and for what he *believes*.

Further, from the sense of moral accountability there naturally springs a deep impression of a future state of existence. Man feels that he is morally responsible to God for his actions, but as the present world is not, and cannot be, the proper place for taking a just and adequate account of them, he is driven to the conclusion that there is a future state of existence, when there will be an examination or enquiry made into the grounds, the motives and circumstances of his actions, and a righteous judgment passed upon them. This impression of a state after the dissolution of the body, afforded by the light of man's conscience, is confirmed by several corroborative arguments. There is reason to believe that the human soul, from the nature of its powers and susceptibilities, is endowed with natural immortality. There is, moreover, a strong desire of *immortality* in the human breast such a desire would never be implanted in man unless the author of his nature intended to satisfy it. Again, if man were not destined for a

future state of existence, the wisdom of God might perhaps justly be questioned. For what can be imagined more unwise, we had almost said, more foolish, than to furnish man with angelic powers and endowments only that he may eat and drink, and talk, and take his pleasure and then perish eternally into nothing? "It were a like case," says an old writer, "it were a like case, as if one should be clad in scarlet to go to plough, or curiously instructed in arts and sciences to tend hogs."

But the strongest argument, perhaps, for a future life is derived from the contemplation of God's moral attributes viewed in connection with human affairs. A casual glance at the state of things in the world is sufficient to convince us, that rewards are not correspondent to the virtues, nor are punishments proportional to the vices of men. We often see men of the worst principles and practices going on in a full tide of earthly felicity, enjoying the good things of this life, flourishing like green bay trees and rioting in their guilty career. And on the other hand, we often see the most virtuous, the worthiest and the best of the sons of men, destined from their youth to struggle with the sharpest calamities, with poverty, pain and disappointment. Were the divine administration to terminate with this present scene, we should conclude that God was alike indifferent to good and to bad men, or rather that the latter were preferred to the former. But as such a conclusion is inconsistent with the very idea of God, and revolting to the suggestions of our conscience, we are under the necessity of anticipating a period when these anomalies will be removed, and when virtue will issue in lasting happiness and vice in permanent misery

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# THE BENGAL MAGAZINE.

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## THE HINDU FAMILY

### CHAPTER V

#### *Brothers*

From the moment of *karta's* death, the family passes into a new sphere of existence. Hitherto, however discordant its members may have been, however impossible its cohesion was, the sovereign sway wielded by him, rendered the chance of any open rupture remote. His sons, however inimical to each other, stifled their petty animosities to keep up appearances, or through a sense of gratitude towards him, refrained from rendering the closing hours of his life unhappy. But now that the old man is dead and gone, there is nothing to prevent them from giving vent to their pent-up animosities. Instances are not wanting, where sons fought with one another for possession of his keys, while in his death bed, writhing in the agony of death. Instances are not wanting, where the sons assiduously made an unholy rummage of his goods and effects, leaving the "dead to bury their dead." And this unnatural conduct is carried to such a pitch as to shock the feelings of many a humane neighbour. While in mourning, while the poor mother is weeping out her existence before their eyes, the inhuman sons, in total disregard of her feelings, sit down in placid matter of fact style to divide among themselves the property. Minute calculations of the profits are made, elaborate statements prepared, of the expenses incurred on account of each son, and the respective dues of each are prepared after warm discussion and interchange of angry words. If a son's daughter had to be married in *karta's* lifetime, the daughterless son objects to the nuptial expenses being

deducted from the *corpus* of the estate and not from her father's share, and this objection becomes in future the theme of sharp altercation. While opposed to one another in matters of self-interest they are on all fours when a widow, who had been provided for by *karta*, is to be divested of her provision, and the solemn behests of a dying parent are most impiously ignored. Sometimes the sons cast aside all the helpless members adrift not even sparing their mother herself. If one of the sons happen to be a minor, he must be deprived of his birth-right. It is ten to one that a minor peaceably inherits property left by his father. Such of the widowed and sonless sisters-in-law who are not heirs are told point-blank to take care of themselves. Their rooms in the family house are ruthlessly taken possession of, or ransacked with most unholy hands.

Old servants, who had faithfully served *karta*, become objects of hatred, and are either turned out, or their place made too hot for them. The creditors of the *karta* are left unpaid. They wait on each and every one of the new *kartas*, and each shirks from his shoulders the liability to pay in favor of the others. Clothiers, provisioners and others whose business it was to supply the daily necessities of life receive no better treatment, maid servants are not paid their wages, and they leave the family house *en masse*. Such is the picture a joint family presents after the death of its head. It is no doubt an aggravated one if viewed as a faithful representation of joint families in general, but it is taken from the life portrait of some family or other. The picture is, however, but half depicted. A more ignoble side of it awaits to be exhibited.

While brother is quarrelling with brother for a fair partition of his patrimony, their wives are not precisely the creatures to sit quiet. Hitherto, they had disturbed 'the curtained sleep' of their lord with many a tale of personal suffering and ill treatment, but either through their lords' bashfulness, or through the fear of *karta*, or the insignificance of their woes, they had remained unredressed. Now that the coast is clear, and that the blood of their partner in life is at its fever heat, their complaints become

more rife than ever. They fall out with each other, fall out jointly with the mistress, fall out with their husbands' sisters and brothers. They complain that the family maid servant, backed by the mistress or her son, had trifled with their commands or had insulted them. The family cook is charged with having colluded with the mistress in depriving their children of the best dishes, prepared for joint service. These and a thousand other little incidents are made the mainstay of a new quarrel. These did not ruffle the composure of the male members of the family while *karta* was alive, they were considered to be too trivial to notice. Now that the male members are arrayed against each other as belligerents a greater weight is put upon them in framing a new *casus belli*. Possibly one of the sons leaves the family roof for a country seat, and there in the midst of the refreshing ozone of rural life, concocts his future plans, and shapes his future aims. Report runs abroad that as he could not agree with his brothers, he has sought comfort by segregating from the family. If segregation does not happen, the family house becomes more like a kennel than an abode of human beings. Domestic strife becomes a matter of daily occurrence. Public opinion is totally disregarded, the entreaties of neighbours summarily and insolently despised, friends and relatives' intercession declined with thanks, aye, the importunities of the disconsolate and bereaved mother rejected with scorn. The family guru\* and priests are perfectly powerless to bring about a reconciliation, and the parties in dispute rush on to the contest by an appeal to the presiding goddess of litigation. While in the midst of obstinate conflict, not a moment is devoted to their family affairs, not the health or education or maintenance of its members, is matter weighty enough to attract their thoughts. Their avocations in life, trade, agriculture or service, whatever they may be, have no charm to keep them engaged. While plunged in litigation they evince an amount of blind zeal and infatuation which can not be too strongly condemned. What with the payment of exorbitant court fees, and the still more

exorbitant fees of Counsel, what with the extortions of law-touters and Court myrmidons and the retainers of witnesses, they find themselves in a maze of difficulties where 'money' is the only pass-port. The litigants have been never bad pay-masters, but they find to their great mortification that, however loose their purse strings had been, the payments were not sufficient to appease the hunger of those who fed on the garbage. The greater the inexperience, the litigants are more desirable as a prey. Money failing, most impious hands are laid upon their property, whether moveable or immovable. To-day a Cashmere shawl, which had hitherto covered the litigant's person, finds a new possessor in his law-adviser. To-morrow his wife's necklace, tired of adding to her charms, is linked with the fate of his attorney. And it is no secret that, in some cases, the man of law enters into a champertous agreement with his client for recovery of the property under litigation in whole or part on the successful termination of the case. And the unfortunate man is forced to play this role of pecuniary exhaustion, as the case progresses from its original to the first and second appellate stages. The upshot of all this tells on him so seriously that, when the case is finally determined, he feels himself entirely denuded of his property. He finds his resources to have become so much crippled that, supposing he obtained his law costs as a winning party, they never amounted to more than hundredth part of his actual expenses. This is not a visionary image that we have drawn, the stern logic of facts supports the woful tale which is being repeated every day, and it must be harrowing to one's mind imbued with patriotism and philanthropy to contemplate it. Is it come to this? Is this the result of the boasted law of civilized times? Is this the benefit which the country derives from its boasted institutions belauded as specimens of perfection?

The fault is not in the law, not in the personnel who administer it, not in those who aid in its administration. It is in the very materials which are the objects on which the legal machinery has to act upon. If you plant thistles, you cannot expect to have a crop of wheat, however perfect your art of agriculture

may be If your joint family system be rotten to its very core, healthy products your legal machinery will not bring forth In fact the manufacture will keep the nature of the law materials unchanged

We propose now to say a few words about the legal status of the son The word 'son' has under the Hindu law, an extended signification and includes the grandson and great grandson in the male line If in the physical world, nature abhors a *vacuum*, in the legal literature of the Hindus, nothing is so much an object of abhorrence as a man without a male issue However his charity may have been, however devout the life he has led, a Hindu cannot expect salvation unless he is blessed with male issue Such a want can only be dispensed with, when he is leading the life of celibacy, or when he has taken a vow to renounce the world and live and die an anchorite When the religion of the country is so, there is no wonder that for the procreation of issue, *pater familias* should take a second wife in the life-time of the first, or resort to the artificial means of adopting a son

It is the bounden duty of the son to support his aged parents This duty is not a moral one, but can be legally enforced The *Vivada Bhagarnava*, a standard authority on Hindu law, distinctly recognizes that duty as a legal one\* It is a known fact, that the son has a preferential right to inherit his father's estate, and his right to inherit accrues on his father's death either by death, natural or civil At one time, the doctrine of primogeniture was favoured by the Hindu legislators to a certain extent, and deductions from the corpus of the estate were made in favor of the eldest son, but it has been disallowed in the present age

There are twelve kinds of sons, and they are thus classified by Jajnyvalkya 1 The legitimate son of the body 2 The son of an appointed daughter equal to him 3 The son of the wife is one begotten on her by an appointed kinsman sprung from the same original stock (with her husband) or by another

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\* Macnaghten II J. Vol II, Chap II pp 113, 114



duly authorized 4 A male child secretly brought forth (by a married woman) in the mansion (of her lord) is considered as a son of concealed birth 5 One born of an unmarried woman 6 A son of the twice married is one born of a woman (by a second marriage) 7 A son given is one who is made a gift of by his father or mother 8 The son bought is one sold by his parents 9 A son made is one (born of other parents and) adopted by a man for himself 10 A son self-given is he who gives himself to another 11 A son of a pregnant bride is one accepted while yet in the womb of the bride 12 A deserted son

Manu is for raising the number of recognized sons to thirteen, while the *Dattaka-mimansa* would make it fifteen. But whether it be twelve or fifteen, the authorities are unanimous in making the other sons competent substitutes for the legitimate son. So that on the failure of the legitimate son, the others are invested with filial rights\*. In the present age, it is only the *Dattala* (the son given) who can be made a substitute for the son of the body, and the ceremony by which the substitution is legalized is called adoption.

It is a mistake to suppose that the system of adoption is a peculiar feature of Hindu civilization. It is the relic of an archaic state of society which the world in one period of its history must have passed through, and its universality affords strong ground for concluding, that it was indispensably needed to maintain the compactness of the social organism. Adoption was prevalent among the Jews, Greeks and Romans, and after the downfall of the Roman Empire, it was one of the ties which in the dark ages arrested the downfall of society.

It has been proved by jurists that adoption or to call it by its technical name Agnation is one of those legal fictions without which society could never have "escaped from its swaddling clothes and taken its first steps towards civilization"†. It allowed the creation of an artificial tie between persons who had previously been strangers, to replace the social want caused by the

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\* Colebrooke's Dig. Vol. III

† Maine's Ancient Law p. 27

failure of blood relations. It was fostered in Europe by considerations of a political and quasi-political character. In India, its political character was enshrouded by an atmosphere that was purely ritualistic and religious. As in many other things, the element of religion preponderates in this country, so it is with adoption. The Roman patriarch may have viewed with dismay the absence of any heirs of his body, because if there was a war, he was to go alone. The Hindu *karta* viewed it not merely as a misfortune but as contributing to his eternal damnation. It is a striking fact, that adoption should be solemnized in the East and West by certain ceremonies. The Romans had their *sacra-gentilia*, which exercised no insignificant influence on their law of adoption. The death of each member of a Roman family was observed with certain ceremonies, and succession to the effects of the deceased very often depended upon their performance. In the same way, the introduction of an agnate was celebrated with other rites. In India, it was and is still the custom to celebrate certain rites on the occasion of adopting a child. Of these, the principal is what is called the *putresti yag*, and with the twice-born castes, it is indispensable to the validity of an adoption. There is another element without which an adoption cannot be valid, this is the act of giving and taking, preceded by the interchange of words between the adoptive and the natural fathers. It has been authoritatively decided by the Privy Council in a recent case that among the Sudras (servile castes) no ceremonies need be performed, and it is sufficient if there have been unconditional giving and taking.

Considering that the Hindu law cannot tolerate the idea of a man dying without issue, it is no wonder that it should capacitate any body and every body to adopt. As a rule therefore all persons are competent to adopt, whether they be householders or ascetics, married or unmarried. Even persons who are excluded from inheritance, such as the impotent, the out-cast, the born-blind or deaf or dumb, the idiot, and the leper, are competent to adopt sons for the performance of the exequial rites, but in the case of these persons, they are required to perform penance

before the adoption is effected. When there is a son of the body or grandson or great-grand-son capable of rendering spiritual benefit to the manes of the deceased, a son cannot be adopted, and the same incapacity lies where one has already been adopted fit to perform those spiritual duties. A widow is disqualified from adopting unless she has been expressly authorized by her lord to do so. On this we shall have to speak more hereafter.

In regard to the adoption of sons, the law makes a distinction between those who can be taken in adoption and those who cannot. An only son as well as the eldest son cannot be given away to be adopted. It is immoral though not illegal to adopt a boy who is not of the same caste and otherwise disqualified. All prohibited relations, *viz.*, persons with whose mother the adopter was not competent to contract a marriage, cannot be adopted. Hence, brothers, paternal and maternal uncles, daughter's sons and sister's sons are excluded, but, this exclusion is not applicable to the Sudras. In selecting boys for purposes of adoption, a near kindred should be preferred to a distant one. But if adoption takes place at variance with this rule it is not a nullity on that score. In the case of Brahmins, Kshetryas and Vaishyas, the time for adoption is extended to the investiture with the characteristic thread, and in that of the Sudras to the ceremony of marriage. So that no child of the former castes can be adopted after the investiture with the thread, and of the latter class after marriage.

When a son is legally adopted, his severance from his natural father's family becomes complete. He forfeits his natural birth-right and becomes to all intents and purposes a perfect stranger to it. But there is a class of adopted sons who legally represent both their natural and adoptive fathers. They are called the *Dwyamushyayana*, which interpreted means "the son of two mothers." An only son can be adopted in the *Dwyamashyayana* form though not in the form of strict adoption. The *Dwyamas-hyayana* sons are of two kinds the *nitya* (or absolute) and the *anitya* (incomplete), when both the natural father and the adopter stipulate to the effect, "this is son of us two" the son is

called with reference to the latter the *nitya* or complete. Where the ceremony of tonsure of the son was performed by his natural father, and the adopter commenced the ceremony of the investiture of the sacred thread and performed the subsequent ones, the son is called the *anitya* Dwyamashyayana. The rights acquired by the two descriptions of the son are different. The *anitya* has only a life-right in the adopter's property, where as the *nitya* obtains an estate in fee. It follows from what has been stated above, that the adopted son is bound to perform the funeral ceremonies of the adoptive father and mother in the same manner as if had been the son of their body and has the right to inherit their property. He enjoys the same rights as against the adoptive mother as if he had sprung from her loins. So that if the mother exceeds her limited interest and transfers any property by sales gift or otherwise, her act is a nullity as against the adopted son.

A son born after one has been adopted is under the law entitled to a double share, and this rule holds good where there are more than one son born. So a *nitya* would inherit the estate of his two fathers, and offer them the libations of water and the funeral cakes.

Thus have we given a synopsis of some of the principal rights and duties of the son recognized by the Hindu law. We can see at a glance that his legal status is susceptible of considerable improvement. It is to be deeply regretted that the modern code ignores the rule of primogeniture which at one time found favor with our ancient legislators. Our ancient legislators, imbued with the military spirit of their times, felt it a matter of necessity to arm the eldest son with all the powers of the patriarch, and it was impossible for him to have a paramount sway over the dependant members of his family either for good or evil, if he was to go in shares with them in the matter of inheritance of paternal property. And the fact that primogeniture has ceased from a long time to be an institution of the land is the best proof that the Hindus have ceased to be a military race from a long time.

The present is neither the occasion nor the place to enter into an elaborate discussion of the excellencies and demerits of the law of primogeniture, and of its influence upon society. But we shall be failing in our duty if we omit to point out some of the deplorable effects which have followed from its absence in this country. On the very threshold lies the condition of the present class of Zemindars, to attract our attention. It is painful to witness a most important class of the community, being impoverished in a perceptible manner. Some of the ancient families who had been the ornaments of the landed aristocracy of the land have sunk into obscurity if not into abject ruin. Their properties have either passed into the hands of strangers or have become so hopelessly incumbered as to be past redemption. The Zemindari business cannot certainly be said to be an unprofitable business. For while the annual value of land is daily rising so as to open a door to the enhancement of rent of the tenantry, and while the tenantry are pliant objects of illegal exaction, the revenue due to the state is fixed in perpetuity. So that while the Zemindar's gains are hourly increasing, his liability is a constant quantity. Is it possible to conceive of a system of land tenure more favorable to the landholder than the one we have? It is all profit and no loss to him. And yet in the face of this his ruin is progressing in a geometrical ratio.

It has become the fashion with a class of statesmen to attribute the ruin of the landholders to the oppressive exactions of the Bunniahs, and other great capitalists of the country, and following the wake of this idea Government has recently been busy in extending its protection to the oppressed. Money-lenders have been declared incapable of purchasing in execution sales the property of their debtors, without the leave of the Court, and all sorts of legal impediments have been thrown in the way of sale. However generous the intentions of Government may be, however inexpedient the annihilation of the old landholder class be on grounds of public policy, there can be no question that the protection accorded to them by the state instead of averting their downfall will accelerate it. The measure inaugurated by Govern-

ment does not aim at the root of the disease which the zemindari body has fallen a prey to. It is directed against such of its secondary symptoms as are far removed from the seat of the ailment.

I shall proceed to show how one of the causes which contributed to the degeneracy of the modern landholders is the absence of the law of primogeniture in the country. In the absence of reliable statistics bearing upon the subject, it is impossible to prove our position inductively. We can only attempt at an *a priori* demonstration.

In the first place, it is quite obvious that the present rules of succession and inheritance leave the door of partition of estates wide open. On the full owner's death they are possessed by the entire body of his heirs. Once this sort of possession comes into vogue, the estates are split up into as many fractions as there are heirs, and their corpus is brought to an end. So that supposing, any one coparcenors wanted to part with his interest, there is nothing to prevent him from alienating it to a stranger. Once a stranger finds ingress, the chances are that by applying the thin end of the wedge he becomes the sole proprietor of the entire estate.

In the second place, circumstanced as the zemindar is, it is his wont to lead a life of ease and luxury. He is in many districts a live prince, and it is his misfortune to be so in prosperity as well as in adversity. Whether a particular year be a year of plenty or scarcity, whether his agents be diligent or indifferent in the realization of rent, he must have money any how for maintaining his rank and style. Other resources failing, he must borrow. And this he must do, whether he be the proprietor of a fraction or the whole. It is one thing for a whole proprietor to borrow, and quite another for a part-proprietor. The chances which the latter has of repayment are fewer than what the former has. If the absence of the law of primogeniture in this country is prejudicial to the interests of zemindars, it is not the less so to those of the middle and lower classes of society. All the evils following the track of partition and division of properties, and the

introduction of strangers into the ownership thereof, those classes become subject to

In the third place, the want of a law of primogeniture materially stands in the way of improvement of property. The old proverb is, 'what is every body's business is no body's business,' and this is abundantly verified in the case of joint ownership. On this subject we shall have to say more hereafter. At present we can only refer to it

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## CHAPTER VI

### *The Daughter*

While the son is heralded into the world amidst the acclamations of joy, and a jubilee is celebrated in the house in honour of his birth, that of the daughter is observed with a heaviness of heart and with feelings which are any thing but pleasureable. The mother thinks, that after all she has given birth to a daughter and feels disconcerted. *Pater familias* is a little annoyed at the occurrence, and being always of matter-of-fact proclivities counts upon the expenditure of a round sum of money after the baby's marriage, as a sure misfortune. *Mater familias* partakes of somewhat similar sentiments, the result is that both the patient in the lying-in room and her baby are to some extent neglected. In certain cases, this negligence is not allowed, especially where the daughter is considered as an object of future gain, or where she is the first-born child, of young parents, or where the old people of the family can afford to be fond. But generally speaking, whether in the lying-in room or in the wide world, her breeding is not so much attended to as that of the son. The education of the daughter takes place now in an infinitesimal rate, and was considered heretofore as absurd and impolitic. Already the daughter was a source of pecuniary loss to the family, and to expend money after her education was to add to that loss. It is a good sign of the times that a reaction has set in, and in many cases the education of the daughter is being resorted to, to secure for her a good husband at a less

cost Generally speaking brothers, while young, have something like an animus towards their sisters The latter are viewed as being born to impoverish the family, and as having another mission to fulfill A distinction is kept up between two uterine relations even in matters of food and clothes, and a lions' share is reserved for the former While play-fellows, the brother has something like a right to annoy, insult, ill-treat, the sister While ill, she is not so scrupulously nursed as her male relation, and should she succumb to her illness, the *karta* is sometimes glad at heart He thanks his stars, that he is spared the expense and humiliation attendant upon her marriage

It is notorious that in spite of her being an object of neglect she is seldom weak and cheerless and very rarely ill Her physical development is so rapid that, when she is only nine, she looks three years older, and forces her parents to be uneasy on account of her marriage Will it be believed that to arrest her development, the poor creature is made to live upon half-diet, and undergo other privations? But instances of such privations are not wanting Her growth and development are viewed with apprehension She is considered to be growing like a plantain tree, and when *karta* thinks of her being on the brink of puberty, his anxiety is so great that "even water does not go down his throat" He sees eternal shame and social degradation yawning before him So that before signs of the young creature's puberty appear, she is wedded with the greatest amount of dispatch possible Many an anxious hour is spent after the matter If it had been his anxiety only to disturb him, the *kartas'* position would have been comparatively enviable, but as it is, there are many things to make his mind a veritable Hell on earth Not to speak of the perfidy of the priests and astrologers who negotiate between the two contracting parties, not to speak of the countless difficulties raised by the female friends of the intending relations, the demand made from the bridegroom's side is so terribly exorbitant as to frighten *karta* out of his wits The bridegroom's father says, 'My son is a B A, of the university of Calcutta He must have one and half a seer of gold, a gold watch and



chain, and the necessary paraphernalia to boot' These terms become the topic of much discussion and animadversion, and if inability is pleaded, the negotiations break off without further ceremony The Bengali adage relating to marriage is, "first mind, then time, and lastly money," but the enlightenment of the nineteenth century has inverted the natural order of the essentials of a marriage contract and the price of the marriage is so much haggled for as to 'out-Shylock even Shylock' himself All this is annoying, but the bride's father has got other expenses to incur, whether he wills or no He must make presents to the Brahmins, priests and beggars He must provide for a sumptuous dinner on the night of the nuptials on pain of social obloquy—never mind whether his means permitted him not The nuptials over, the poor man has to pay many a perquisite to this Brahmin and that astrologer, to this servant of the bride-groom and that nurse of his father, till he becomes sick of paying With the departure of the bride for her new home, he thinks of again breathing the breath of life, but no, it is temporarily denied to him He finds that his new relations would not send back the bride to his house as is the wont, for some omission or other made by him He angrily cries out "never mind, let her not come back," and is resolved on seeing her face no more *Materfamilias* feels sorely distressed at this, and sets her face against the resolution of her lord It is whispered abroad that want of lead prevented him in bringing back the bride to his house *Karta* feels degraded and distressed, and in a mood of sheer exasperation addresses himself to supply the omission In plain English, *karta* pays down a sum of money or gives clothes and valuables to the *soi disant* injured party

During the year succeeding the marriage, it is customary with the bride's father to send periodical presents to his son-in-law in the shape of sweetmeats, clothes and money Should the presents be of a trite sort he is stigmatized as a beggar of rare stinginess Should he venture to protest against the said aspersions, misunderstanding takes place between the two families—a

misunderstanding, which sometimes is ripened into an open rupture. All communication between the two families is for the nonce suspended, and the poor son-in-law is placed between the two horns of a dilemma. The daughter is denied the pleasure of visiting her parents, and her situation becomes one of torment, she is persecuted by her new relations simply because they are not in good terms with her father. The period of her second marriage, as it is called, draws nigh and that being an auspicious ceremony, the two families forget their past animosities and once more unite in terms of apparent friendship. The celebration of the second marriage is a *gala* day in a Hindu family, and the female members enjoy it to their heart's content. They are sumptuously feasted. Songs are sung. Jests and witty sayings fill the air with a thickness as to raise many a blush in the cheek of many a modest maiden. Some clay is made, and the guests and others are bedaubed with it to heighten the amusement.

With the attainment of puberty the daughter becomes a great favorite of her parent's family. Her visits to the paternal roof become like angel visits few and far between, and her youth and beauty, the fewness and distance of her visits, combine to make her an incarnation of Saraswati \* Her mother sheds many a joyful tear to see her happy, and even *karta* who had hitherto looked upon her with a feeling akin to hatred, partakes of his wife's sentiment. New clothes and the best of delicacies are set before her in all their native freshness, and she feels all the charms of a happy parental home. Her parents frequently invite her husband, and, while a guest, is treated 'son-in-law like,' as the phrase goes. Great is the joy when the daughter's conception takes place, *Materfamilias* repairs to her frequently and counsels her how to become a mother. The fifth and ninth month ceremonies are celebrated with *eclat*, and the lady in the interesting situation basks in nectarine pleasure. It is customary with the daughter to be confined for the first time under her paternal roof, as the scrupulous assiduity and care of a

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\* Goddess of learning and beauty

mother are esteemed sure safeguard against all mishaps that may befall during pregnancy and the subsequent confinement. Should the daughter bring forth a male child, *Materfamilias* adopts him as her husband. If a female she is at once her co-wife. Many a joke is cracked at the babe's expense, and from the mother's bosom it is transplanted to its grand mamma's nursery. Oh who can describe the devotedness with which the old dame nurses the babe! She forgets all her worldly cares and anxieties, and the babe becomes the sole object of her endearment.

Beloved as the daughter is after her marriage, and nursed with all the assiduity as she is, while passing through many a severe ordeal, she forgets all her past neglect and ill-treatment, and reciprocates all those affectionate feelings with her parent and members of her parent's family. In fact it would be monstrous, if it were otherwise. Should they be in straitened circumstances, and she the contrary, she comes of her own accord to help them. It is no doubt delicate to plead their poverty before her husband, but she knows how to do the work without fuss and ostentation, and while her hand is busy in alleviating distress, her partner in life is ignorant of it, if he be not a tacitly consenting party to it. If her husband be cross, she brings the weight of her influence and authority to bear upon him. While sick, nothing can surpass the diligence and patience with which she nurses her sick parents. In this respect her exertions are more disinterested than those of her brothers. Woe to a sick parent who has no daughter to nurse him! By his bed side, she is as an angel ministering to his comforts with a devotion which no body can surpass. If the parent dies, who can describe the daughter's intense grief? Her wailing and lamentation touch the chord of many a tender heart, and melt even adamant itself.

To her brothers she is always loving, though in many cases the love is not reciprocated with so much fervour. To her brother's children she is always a fond relative, and it is no secret that if she be barren and has property to bestow, they are preferred to her husband's relations. It is a well-known fact brother's

children are more frequently adopted as her sons than any body else. Strange that, while she should be so inclined towards her brothers and brother's children, the brother's wife should be an eyesore to her. As a general rule, the bad feeling between these two relatives has passed into a proverb. Mischievous people there are who say, that it is the securing of her brother's heart which makes the former jealous. This is merely a joke. Possibly it is the question of precedence in the family which is at the root of the misunderstanding. The former thinks that, as the daughter of the family, she is entitled to dictate terms to the latter. The latter resents this assumption of jurisdiction as *ultra vires*, and thus from small beginnings the two sisters-in-law become open foes and break many a lance within the zenana court-yard.

*Materfamilias* always sides with her daughter. *Paterfamilias* is indifferent, while the daughter's brother secretly sides with his wife. If reconciliation is impossible, the two fair adversaries cease to be on speaking terms, or if matters are worse, they separate—the daughter going over to her husband's house. To her sisters, the daughter is always affectionate and loving, but a sort of rivalry exists between them. Possibly it is the difference in the respective position, affluence, and wealth of their husbands that germinates the rivalry. As litigants to a quarrel, sisters are always very implacable enemies, but it is doubtful how far they and not their husbands are responsible for the implacability.

Elsewhere we have given a short sketch of the life of a widow. That would embrace the case of a widowed daughter, if it were not for certain features of character, which especially appertain to her, while she moves in her father's family. From the time of her husband's death, she becomes in many cases an inmate of her father's family, and this invariably takes place where she is childless, and is looked down upon by her husband's relatives. Under her parental roof her position is somewhat unique. Where her mother is old or infirm, the widowed daughter steps into her place as the household mistress. This is also the case where, in addition to the aged infirmity of the mother, the other female

members of the family are young and inexperienced. As a mistress the widowed daughter is liable to become a hard one. Devoid of children, and inured to a life of sorrow, all her soft nature leaves her, and she becomes a veritable scourge to maid and servant and sometimes to the family members.

If the widowed daughter does not attain this position, she moves in a smaller orbit. She becomes either her mother's assistant in the discharge of the household work, or spends her time in the care of the children. As a nurse the widowed daughter has rare qualities. It is to her sustained exertions and disinterested care that many a Bengali owes his life. Who can describe the scrupulousness, the punctuality, the devotion, with which she promotes the good of her father's family. Talk to her that her brother's son is ill, and she would not move from the bedside of the sick for days, and abstain from food and drink. As a housemaid, the widowed daughter's services are numerous. To her humble lot generally falls the task of cooking, and if the dishes turned up by her, be pronounced good by his father or brothers, she feels sufficiently rewarded for all her pains. She is in the kitchen from dawn till midnight, and it is only after all the members of the family have partaken of their meal, that she scrambles a few morsels of food and takes a short repose. She gets up early in the morning, and after cleaning the house with the broom stick, repairs to the river to bathe and perform her daily ablutions, and then takes her seat in the kitchen till the second cock crows. She knows no other service in her father's family. In her prayers, the comforts of that family are sought, and these prayers give her a further *impetus* in the discharge of her work on the morrow.

To say that in spite of this disinterestedness, the widowed daughter is ill-treated is only to say that she is a widow. It is her sad lot to be insulted, and ill-treated all the days of her life. Strange, this ill-treatment proceeds from her father sometimes, and the cry is followed up by the other members of the family. Brothers sometimes turn her out of doors, ostensibly for some peccadillo or other, but really because she and their wives cannot

agree with one another, and is considered as a burden on the family. Thus discarded by her parents and brothers, the poor widow spends her life as a maid-servant in the family of some kind relative or friend, or becomes a member of the lost sisterhood.

The civil rights and liability of the daughter under the Hindu law require a passing notice here. In the absence of any male issue who are entitled to inherit, and the widow, the daughter inherits her father's property. It is the virgin daughters who are preferred to the married ones, and out of the married ones, the law gives preference to those having sons or likely to bear sons, while barren and widowed daughters are wholly excluded from succession. The policy of the Hindu law in giving the first preference to virgin daughters in the matter of inheritance is susceptible of explanation. Their subsequent marriage is reckoned as a necessity to secure the respectability of the family and the salvation of their father, and for meeting this necessity, they are provided with the patrimony. The partiality of the law in favor of daughters having male children is too patent to require any exposition. It is the old principle of the offering of the funeral cake and the libations of water to the manes of the deceased full owner. A daughter who has a daughter only, and has past the age of child bearing, is not entitled to inherit. But whether the daughter be virgin or married, she inherits only a life-interest as is the case with the widow. She cannot exercise the rights of an absolute owner, and any alienation of her paternal property made by her without a legal cause or necessity, is null and void as against her fathers' next heirs. In the case of more daughters than one and all competent to inherit, the estate is shared by them equally. Daughters' sons inherit *per capita* and not *per stirpes*. Where there are a daughter and the sons of a deceased daughter, the daughter is preferred to her sisters' sons. Though the widowed and sonless daughters are excluded from inheritance, they are nevertheless entitled to maintenance if destitute of the means of support. *Vide Vavyastta Dulpuna pp 170 & 176*. This is the opinion of Vrihaspati. It is difficult to determine how far this is a legal and not simply a moral

right But it is quite clear that our case-law has restricted it to cases where they live with their father's family A separate subsistence can not therefore be claimed by them Madras Reports p 371 According to the Mithila school, the daughter is postponed to all male members of the joint family Heritable right once vested in the daughter does not become extinct until her death, either natural or civil A daughter's daughter cannot inherit, and the daughter's son's son labours under the same disqualification Where a maiden daughter inherited her paternal property, it goes on her death to her own son, notwithstanding she may have married or has other sisters qualified to inherit This has been held by the Calcutta High Court in the case of Radhakissen Manji *vs* Rajaram Mondol C W R 147 Where a maiden daughter does not inherit, the expense of her marriage and maintenance is a charge on the property of her father, and is payable by his heir A daughter's adopted son can not inherit her paternal property Where the Stridhan, or separate property of their mother, becomes heritable, sons are postponed to daughters, the virgins inheriting it first, and the others (not widowed) next

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## SOURCES OF HINDU LAW

*(Continued from page 277)*

### DIGESTS

The variations in the doctrines of the venerable ancient sages of India, as well as in the interpretation of their texts, necessitated reconciliation which was, according to Mr Colebrooke and others, effected for the fulfilment of Manu's precept contained in the fourteenth verse of the second book of the Manava Dharma Shashtra. The verse has thus been rendered into English by Sir William Jones —“ When there are two sacred texts apparently inconsistent, both are held to be law, for both are pronounced by the wise to be valid and reconcilable ” But this version is not, accurately speaking, a literal rendering of the original

Messrs West and Buhler, instead of giving in their digest of Hindu Law a regular translation of the said text, has given the purport of it as follows —“ When sacred texts differ both must, if possible, be given effect to ” Dr Horace Hayman Wilson interprets the abovementioned text of Manu, as translated by Sir William Jones, in the following manner —“ It should be remarked, however that this applies only to “ sacred texts,” and proceeds from the impossibility of supposing either to be wrong It does not apply to conflicting laws in general , on the contrary, any law incongruous with the code of Manu is declared invalid ” But Kulluka Bhatta, the well known commentator in Manu, says in his comments on the aforesaid verse that it is also applicable to the conflicting texts of the holy sages This rule has been laid down in conformity with the authority of Goutama It is the belief of the Hindus that both their religious and legal texts are of divine origin, and are consequently sacred Any inconsistency between the two texts, whether of religion or of law, may be reconciled For harmonizing and reconciling the discordant doctrines and the different interpretations of the same text, modern Hindu legislators interpret the text of ancient Hindu law-givers according to the rules of the Mimansa, or disquisition in proof and authority of precepts, or agreeably to the canons of the Nyaya, i e , dialectic philosophy The Mimansa is reckoned one of the six branches of Hindu philosophy, and is described by Mr H T Colebrooke as “ the logic of the law ” It is more studied in the southern part of India than in Bengal and Behar, where the study of the Nyaya is prevalent There are two classes of the Mimansa, called Purva and Uttara The Purva or the prior Mimansa, which has been founded by Jaimini, treats of the rules of reasoning for the purpose of interpreting all the sacred works of ancient India The two schools of the Purva Mimansa are the older atheistic, and the later atheistic The Uttara Mimansa, ordinarily known as Vedanta, has been ascribed to Vyasa It gives the rules of deducing from the Vedic text the mode of denying the existence of a material world The Nyaya, which has Goutama for its founder prescribes



stringent canons of reasoning arranged philosophically. It may aptly be compared to the dialectics of Aristotle. In arguing and interpreting the texts of the primitive Hindu legislators, the eastern lawyers closely follow the Nyaya, while the southern jurists adopt the rules of the Mimamsa disquisition. Hence the origin of the two principal sects or schools. These two schools of law always put different interpretations in the same text, and draw different deductions and inferences from the same legal maxim. A sub-division of the two schools into many more is caused by farther diversity of doctrine. Each has adopted for its guidance the work of a favorite writer, and pays due respect to it. The law is interpreted in accordance with his *dicta*, which obtain in particular countries or among distinct Hindu nations. Neither the Text Books nor the original Digests of Hindu law recognize the principle regarding the doctrine of schools of India. But European scholars and writers of Hindu law have, perhaps, for the sake of distinction, formed and maintained the principle relating to the tenets of the Indian schools. Mr Colebrooke's use of the term "school" for the sake of distinction of doctrines is animadverted upon by the author of the work entitled "Observations upon the Law and Constitution of India." But, in reply Mr Colebrooke says that no better expression can be used to denote variety of doctrine caused by different modes of reasoning and interpretation. It is indeed very difficult to discountenance the principle of the formation of several law schools in India, or to do away with the recognition of different doctrines of Hindu law as current in the several parts of Hindustan, for a blind adherence to distinct tenets of law has long since gained ground among Hindus of distinct manners and customs.

The schools of Hindu law, which prevail now in India, are five in number they are —

- 1 Gauriya (Bengal) School
- 2 The Mithila (North Behar) School
- 3 The Benares School
- 4 The Maharashtra (Mahratta) School

## 5 The Dravida School

It must be mentioned that the above said schools of Hindu law have received their respective names from the countries in which doctrines of the schools prevail. The five schools are also called, with reference to the relative positions which they respectively occupy in India, the Eastern, Northern, Central, Western and Southern Schools. The Maharashtra and Dravida schools often go by the names of the presidencies where the tenets of those schools chiefly obtain. Their local limits are co-extensive with the territorial jurisdictions of the Governors of Bombay and Madras. Hence the Maharashtra and Dravida Schools are respectively called the Bombay and Madras schools. By these designations they are now invariably known. Sir William H. Macnaghten designates the Dravida school "the school of Dehkan." Of the above mentioned five schools of Hindu law, the schools of Bengal and Benares are the two principal ones, and represent the extremes of divergence. But the other three schools generally assimilate with the Benares school, though they have many distinct principles of their own. They partially coincide with one or the other in several instances. The reason of the material difference between the doctrines of the Bengal and Benares schools is the mode of reading the same text in a different manner. The Bengal school reasons on the letter of the law by inferences, and thus modifies it. But the school of Benares more closely follows the strict letter of the law. The other schools adopt the mode of reasoning and interpretation followed by the school from which they have diverged. The principal distinction between the Mithila, Benares, Maharashtra and Dravida schools is not so much with reference to any actual or material difference of tenet, as in respect of preference to some special treatises which each considers respectively as its authority. It is highly probable that this preference of particular works did not originate from their real or imagined pre-eminence over other treatises, but from the fact of the authors not having been aware of the existence of authorities not in general currency in their respective countries, and also of

the early promulgation of those tracts in the very provinces in which their superiority is now acknowledged. It may be further observed that the treatises, which one of four schools prefers to those of the other, mutually differ in the exposition of many a doctrine.

The Bengal school maintains peculiar doctrines which are opposed to the tenets of the other schools. The works receivable in that school are not concurrent or interchangeable with the treatises prevalent in those schools. They are of no authority beyond the limits of Bengal. Diversity of opinion is even to be found among the recognized authorities of every school. It sometimes tends to hinge upon the uncertainty of doctrine. Several treatises which the Indian schools of law recognize as their immediate authorities, have been written by learned lawyers of different parts of India to settle the position of the legal doctrines and to reconcile the apparent inconsistencies and variations in the tenets of the ancient Hindu legislators. Those works are called Digests of Hindu law. However definite may be the number of the original Digests of Hindu law, compilations from, and epitomes of, them are not inconsiderable in number. The subjoined is a list of the writers and compilers of the Digests, arranged in an alphabetical order, who are well known to the schools of which description has been given before at some length, and will further be given hereafter.

|    |                  |    |                  |
|----|------------------|----|------------------|
| 1  | Abhaya Chaman    | 13 | Bhava Deva       |
| 2  | Anand Bhatta     | 14 | Bhava Nath       |
| 3  | Ananta Deva      | 15 | Bhoja Deva       |
| 4  | Aniruddha Bhatta | 16 | Chandeshwara     |
| 5  | Bababadye        | 17 | Chun Vira Swami  |
| 6  | Bala Rupa        | 18 | Devananda Bhatta |
| 7  | Balam Bhatta     | 19 | Deva Swami       |
| 8  | Baloka           | 20 | Dikshita         |
| 9  | Baruchi          | 21 | Dinakara Bhatta  |
| 10 | Bharat Chandra   | 22 | Divakara Udyota  |
| 11 | Bhaskara Acharya | 23 | Durgaya Acharya. |
| 12 | Bhattaji         | 24 | Gadha Dhara      |

|    |                     |    |                       |
|----|---------------------|----|-----------------------|
| 25 | Ganga Deva          | 61 | Mounupa               |
| 26 | Ganga Kishor        | 62 | Mugle Mahadeva        |
| 27 | Ganga Rama          | 63 | Murari Misra          |
| 28 | Gopi Nath           | 64 | Naga Deva Bhatta      |
| 29 | Gopi Chandra        | 65 | Nagaji Bhatta         |
| 30 | Graheswara          | 66 | Nanda Pandita         |
| 31 | Harī Hara           | 67 | Nara Sinha            |
| 32 | Harī Natha          | 68 | Narayana Bhatta       |
| 33 | Helayudha           | 69 | Nila Kantha Bhatta    |
| 34 | Hemadri Bhatta      | 70 | Nyugooona Swami       |
| 35 | Ishana              | 71 | Padma Kara            |
| 36 | Jagannatha          | 72 | Para Brahma Shastri   |
| 37 | Jaya Rama           | 73 | Pasu Pati             |
| 38 | Jimuta Vahana       | 74 | Pratapa Rudra Deva    |
| 39 | Jitendriya          | 75 | Raghu Nandana         |
| 40 | Kamalakara Bhatta   | 76 | Raghu Nath Bhatta     |
| 41 | Karka Bhatta        | 77 | Rama Chandra Acharya  |
| 42 | Kasi Nath Bhatta    | 78 | Rama Chandra Bhatta   |
| 43 | Kasi Nath Dikshita  | 79 | Rama Chandra Takshita |
| 44 | Kasi Nath Upadhyaya | 80 | Rama jivana           |
| 45 | Kavesha             | 81 | Rama Krishna          |
| 46 | Kesava Misra        | 82 | Rama Nath             |
| 47 | Kesu Dywagni        | 83 | Ratnakara Bhatta      |
| 48 | Krishna Misra       | 84 | Sabaji Pratapa        |
| 49 | Kumarika Bhatta     | 85 | Sarvaru Trivedi       |
| 50 | Lakshmana Bhatta    | 86 | Sayana Acharya        |
| 51 | Lakshmi Devi        | 87 | Shambho Bhatta        |
| 52 | Lakshmi Dhara       | 88 | Shambho Kara          |
| 53 | Lakshmi Narayana    | 89 | Shankara Bhatta       |
| 54 | Madana Bhatta       | 90 | Shula Pani            |
| 55 | Madana Upadhyaya    | 91 | Shiva Yogeshwara      |
| 56 | Madana Singha       | 92 | Someshwara Bhatta     |
| 57 | Maha Deva           | 93 | Sri Dhara Acharya     |
| 58 | Mana Dhuta          | 94 | Srikara Acharya       |
| 59 | Misaru Misra        | 95 | Srikara Bhattacharya  |
| 60 | Mitra Misra         | 96 | Srikara Misra.        |

|     |                         |     |                    |
|-----|-------------------------|-----|--------------------|
| 97  | Sri Krishna             | 106 | Vaidya Nath        |
| 98  | Sri Nath Acharya        | 107 | Veda Pattabhi Rana |
| 99  | Sri Nath Bhatta         | 108 | Vedanta Acharya    |
| 100 | Tryambuk Bhatta         | 109 | Visheshwara Bhatta |
| 101 | Udaya Kara              | 110 | Vishnu Bhatta"     |
| 102 | Vachaspati Bhattacharya | 111 | Vishwa Nath Bhatta |
| 103 | Vachaspati Misra        | 112 | Vishwarupa Ramaka  |
| 104 | Varada Raja             | 113 | Vyasa Acharya      |
| 105 | Vasu Deva Acharya       | 114 | Yadavendra         |

The above is by no means an exhaustive list of the authors and compilers of the Digests of Hindu law, for it gives the names, and, where they are not given, the titles of those only whose works or writings have been discovered or known. A further search for the manuscripts of the Digests of Hindu law and their compilations may increase the preceding list in a considerable degree. Had the names of the writers and compilers noticed in the recent Digests been altogether left out, the aforesaid list would not have been so lengthy as it is. But to make it as complete as possible, the names have consequently been inserted therein. Of the writers and compilers named in the foregoing list some have touched upon particular topics, whilst others have dwelt upon general subjects. A considerable number of the writers and compilers mentioned in the above list has written or compiled treatises on religious ceremonies and daily observances, or on one or the other. But an insignificant number has wholly or partially treated of legal topics.

The principle upon which the Digests of Hindu law are founded, is that one Smṛiti is to be supplemented by another. But it has not been adopted for the expansion of the view of Hindu law. The embarrassment on account of the differences between the Smṛitis was so greatly felt by the writers of the Digests that they had to follow for the formation of their decisive opinions the following general maxims and texts —

“If there be a contradiction between a Śruti and a Smṛiti, the former is to be followed in preference to the latter, but if there be no such contradiction, the Smṛiti should be acted upon by the virtuous just as the Vedas.” *Jabali*

“Wherever contradictions exist between *Sruti*, *Smriti* and *Purana*, the *Sruti* is preferable, but where a contradiction exists between a *Smriti* and *Purana*, the *Smriti* is to be held in preference” *Vyasa*

“Should there be a contradiction between a *Sruti* and a *Smriti*, the former must be followed without consideration of any matter” *Bhavisyat Purana*

“When a difference occurs between the religious law, and the moral, then let them set aside what is declared in the moral law (*Artha Shastra*) and follow that which is enjoined by the religious law (*Dharma Shastra*)” *Narada*

“If two texts of the law be opposed to each other, an argument founded on usage is of force, but the *Dharma Shastra* is of greater force than the *Artha Shastra*. This is a settled rule”

*Yajnyavalkya*

“If one set of Institutes contradicts the other, then there is an option” *Vynaneswara*

“If two texts (of *Rishis*) differ, reason (*Niti*, or that which reason best supports) must in practice (*Vyavahara*) prevail”

*Yajnyavalkya*

“A decision must not be made solely by having recourse to the letter of written codes (*Shastra*,) since, if no decision were made according to the reason of the law, (or according to immemorial usage, for the word *Yukti* admits both senses) there might be a failure of justice” *Vrihaspati*

“A principle of law established in one instance should be extended to other cases also, provided there be no impediment”

“Between rules general and special, the special is to prevail”

Occasional references to, and citations from the *Vedas*, *Purans*, *Itihasas* (*Ramayana* and *Mahabharata*) as well as other non-legal works, have been made by the authors of the *Digests* with the view of impressing on the mind of a reader that the whole antiquity of India is pervaded by a spirit of harmony. The writer of one digest often quotes from another for the corroboration of his own opinion, or for the correction or confutation of the cited author's view. A few persons understand the

language in which the Digests of Hindu law have been composed. Only those who are well acquainted with the language of the Digests are competent to master their contents. The Digests of the various schools are, for the most part, argumentative treatises discussing closely and concisely, but sometimes artificially, the doctrines treated in them, often testing the same by the *Mīmāṃsā* disquisition, or by the process of logical reasoning, exposing occasionally the fallacies of the arguments sought to be impeached, and not uncommonly deducing consequences therefrom. They sometimes cite opinions and arguments without mentioning the sources from which they are derived, as well as spurious texts in the names of the primitive legislators. Some of the principal Digests have been more or less commented upon owing to the abstruseness and obscurity of their language. Since the compilation of the Digests of Hindu law the Hindu monarchs are said to have never used the works in administration of the law to the Hindu litigants as authoritative guides. The Digests were considered more in the light of theoretical treatises than in that of practical codes of law. But since the time of the British conquest of India, they have been looked upon as actual Codes of Hindu law. The legal doctrines, which the Digests profess to propound and expound, are now practically followed by the people who have adopted them as authorities. Most of the Digests of Hindu law appear to have been written in prose, and are not comprehensive treatises on jurisprudential subjects. The ancient Hindu law has been recast and developed by very important Digests which are now allowed to stand first in point of authority. In more than one instance the Digests subordinate the language of texts to custom and usage.

In matters of Inheritance, Succession, Partition and Acquisition of Property, the Digests of the Bengal School are opposed to those of the other schools. The school of Bengal entirely rejects the works on the said subjects current in those of Mithila, Benares, Bombay and Madras, which have, in addition to the treatises common to them, their special Digests differing even from one another in a few principal and particular instances.

With regard to the Law of Adoption and Contract, the doctrines of the schools do not appear to be generally variant, but individual writers differ in their opinions

A brief description of the dominant schools of Hindu Law in India as well as of their respective authorities is given below in the order in which the said schools have been mentioned

#### 1 THE BENGAL SCHOOL

The Bengal school extends throughout the whole of the province of Bengal, Proper, and generally prevails in the country of which the natives speak the Bengali dialect. The principal standard works on the law of Partition, Succession and Inheritance, which the Bengal school recognizes, are the *Daya Bhaga*, *Daya Tattwa*, *Daya Karma Sangraha*, *Vivadarnava Setu*, *Vivada Sararnava* and *Vivada Bhangarnava*. The last three treatises also treat of the law of Contracts. On the subject of Adoption the *Dattaka Chandrika* and *Dattaka Mimansa* are the chief authorities of the Bengal school. It is said that the natives of Bengal were governed by the *Mitakshara* of *Vijnaneshwara* prior to the promulgation of the *Daya Bhaga* in the said province. *Jimuta Vahana*, the celebrated author of the *Daya Bhaga*, was the real and undeniable founder of the Bengal school. He was a descendant of *Parī Chandra*. He is said to have reigned on *Shah Vahana's* throne, and is likely the same with the prince *Jimutaketu* who belonged to the royal family of *Sitara* and ruled at *Tagara*. With reference to *Jimuta Vahana* Mr Colebrooke says as follows —“It was an obvious conjecture, that the name of this prince might have been affixed to a treatise of law composed perhaps under his patronage or by his directions. That however is not the opinion of the learned in Bengal, who are more inclined to suppose, that the real author may have borne the name which is affixed to his work, and may have been a professed lawyer who performed the functions of judge and legal adviser to one of the most celebrated of the Hindu sovereigns of Bengal. No evidence, however, has been adduced in support of this opinion, and the period when this author flourished is entirely uncertain.” It has been inferred by the commentators on



Jimuta Vahana from his refutation of the doctrines of Vijnaneshwara that the former must have flourished after the latter. This fact appears from the following remarks of Mr Colebrooke on Jimuta Vahana —

“He cites several earlier writers, but, their age being not less doubtful than his own, no aid can be at present derived from that circumstance, towards the determination of the limits between which he is to be placed. His commentators suppose him in many places to be occupied in refuting the doctrines of the Mitakshara. Probably they are right, it is however possible, that he may be there refuting the doctrines of earlier authors, which may have subsequently been repeated from them in the latter compilation of Vijnaneshwara. Assuming, however, that the opinion of commentators is correct, the age of Jimuta Vahana must be placed between that of Vijnaneshwara, whose doctrines he opposes, and that of Raghu Nandana who has followed his authority.” The late Honorable Piosunno Coomar Tagore, C S. I., in the Preface to his English translation of the Vivada Chintamani, which will be noticed among the authorities of the Mithila school, says that the Daya Bhaga “is held to have been written in the beginning of the fifteenth century.” The Dharma Ratna or Gem of the Law was composed by Jimuta Vahana. It contains almost all the topics connected with the Dharma Shastra, and is an ample digest of Hindu law. An integral portion of the well-known Digests of Jimuta Vahana is the Daya Bhaga which is exclusively devoted to the discussion of the subjects of Partition, Succession and Inheritance. It forms the chief guide of the Bengal school. In dealing with the topics discussed by the learned writer of the Daya Bhaga, the theory of the doctrine of funeral cakes has been propounded and maintained by him throughout the work. Jimuta Vahana has very ably treated the subjects contained in the Daya Bhaga. His disquisitions are copious and his reasonings close.

To the Mitakshra of Vijnaneshwara, the Daya Bhaga of Jimuta Vahana affords a glaring contrast. Both the works are diametrically opposed to each other, from the very definitions to

the expositions of many most material points of law. They differ in fact in almost all disputed questions. The doctrines of the former appear in a great degree to be questioned and confuted by the latter.

With regard to the difference between the abovementioned two treatises, Dr Burnell observes thus —“The great differences between the *Daya Bhaga* and *Mitakshara* arise from attempts to define property.” But these are not the only differences between the two works. Whatever objection may be taken by the followers of the other schools than Bengal to Jimuta Vahana’s mode of discussing the doctrines of Hindu Law, it cannot be said to lessen the real worth of the *Daya Bhaga* in the least degree. It is to be observed that the whole *Daya Bhaga* appears from the beginning to the end to be a controversial treatise. Jimuta Vahana notices the doctrines of the previous writers in connection with his own, and criticises them with a degree of boldness and freedom. Again, he has similarly been condemned by recent writers, who advocate the cause of the earlier authors, for questioning the propriety of their tenets. But a few doctrines of Jimuta Vahana do not seem to be in opposition to those laid down by the illustrious founders of the Bombay and Madras schools. On the text of the *Daya Bhaga* Sri Nath Acharya Chudamani, Ram Bhadra Nyayalankara, Achyutananda Chakravarti, Maheshwara Bhattacharya, Raghu Nandana Bhattacharya, Sri Krishna Tarkalankara, Krishna Kanta Sarma and Rama Nath Vidyavachaspati, have written commentaries. Of all the commentaries on the *Daya Bhaga* that of Sri Nath Chudamani is the earliest. It is generally considered to be a very elegant interpretation of Jimuta Vahana’s text. The commentator was the son of Sri Kara Acharya, a famous Mithila lawyer. Ram Bhadra Nyayalankara, son of Sri Nath Acharya Chudamani, wrote on the text of the *Daya Bhaga*, a commentary which appeared not long after that of the latter. Rama Bhadra’s expositions of his author’s writings are not altogether unworthy of attention. Achyutananda Chakravarti’s commentary on the *Daya Bhaga* entitled *Siddhanta Kumud Chandrika* made its appearance

after Rama Bhadra Nyayalankara's. It is, on the whole, an able interpretation of the text, and often quotes Chudamani in the course of elucidation. Next in order of time to the commentary of Chakravarti appeared Maheshwara Bhattacharya's notable and careful exposition of the *Daya Bhaga*. Both the Chudamani and Chakravarti are cited by Maheshwara in the illustration of his author's text. Doubtful and obscure passages of the *Daya Bhaga* have been explained by the commentator Maheshwara Raghu Nandana Bhattacharya, son of Hari Hara Vandyaghatiya is said to have composed on the text of the *Daya Bhaga* a commentary bearing his name. The commentary is really a poor composition, and has been doubted whether it was his genuine production. But if it be at all conceded to be the work of Raghu Nandana, it must have been his first composition. The commentary by Sri Krishna Tarkalankara on the *Daya Bhaga* is entitled *Prabodhini*, and is posterior to that of Raghu Nandana Bhattacharya. The expositions of Jimuta Vahana's text by Chudamani and Chakravarti are frequently copied by Sri Krishna Tarkalankara without naming the sources, but the opinions of those two commentators are still oftener quoted for correction or confutation. The *Prabodhini* is, however, reckoned the first in rank of all the commentaries on the text of the *Daya Bhaga*. Mr Colebrooke speaks of Srikrishna Tarkalankar's Commentary on the Text of Jimuta Vahana's *Daya Bhaga* in the following terms — "This is the most celebrated of the glosses on the Text. It is the work of a very acute logician, who interprets his author and reasons on his arguments, with great accuracy and precision, and who always illustrates the Text, generally confirms its positions, but not unfrequently modifies or amends them. Its authority has been long gaining ground in the schools of law throughout Bengal, and it has almost banished from them the other expositions of the *Daya Bhaga*, being ranked, in general estimation, next after the treatises of Jimuta Vahana and of Raghu Nandana."

The elucidation of Jimuta Vahana's Text by Krishna Kanta Sarma, a native of Nuddea, is not only incomplete but also useless

Rama Nath Vidyavachaspati's commentary on the *Daya Bhaga* is referred to at the end of his original work entitled *Daya Rahasya* or *Smṛiti Ratnavali*, and is rarely consulted. An edition of the Sanskrit Text of the *Daya Bhaga* with its commentary by Śrīkrishna Tarkalankara was published in Devanagari at Calcutta in 1813. The original *Daya Bhaga* together with Śrīkrishna Tarkalankara's commentary was printed in the Devanagari character at Calcutta in 1829. Pandit Mathura Nath Tarkaratna edited the Text of the *Daya Bhaga* as well as the comments of Śrīkrishna Tarkalankara. This edition was printed in Bengali type at Calcutta. Under the patronage of the late Honorable Prosunno Coomar Tagore, C.S.I., a member of the Legislative Council of the Lieutenant-Governor of Bengal, the Sanskrit Text of the *Daya Bhaga* with its commentaries by Śrī Natha Acharya Chudamani, Rama Bhadra Nyayalankara, Achyutananda Chakravarti, Maheshwara Bhattacharya, Raghu Nandana Bhattacharya, and Śrīkrishna Tarkalankara was edited by Pandit Bharat Chandra Shiromani, Professor of Hindu Law at the Government Sanskrit College of Calcutta, and printed in Bengali character at Calcutta in 1863. This edition gives the genuine Text of Jimuta Vahana's *Daya Bhaga* as well as the annotations of the abovenamed commentators. It is, therefore, properly characterized by Dr. Goldstucker as admirable.

Mr Colebrooke, the translator of the *Mitakshara* of Vijnaneshwara on Inheritance and Partition, translated the original *Daya Bhaga* into English. The translation is accompanied by able and learned annotations, comments and illustrations drawn from the several commentaries on Jimuta Vahana's *Daya Bhaga*, and the works of the other writers of the Bengal school. It is the first of the two treatises on the Hindu Law of Inheritance rendered into English, the second being Vijnaneshwara's *Mitakshara* already noticed under the head of Commentaries. The two works were published in one volume with a very interesting preface at Calcutta in 1810. They were subsequently reprinted at Madras in 1822 and 1867. This translation is not wholly free from imperfect and inaccurate rendering. Of some

portions of the original text of Jimuta Vahana the translation does not appear to be exact and faithful. This fact has been substantiated by Dr Goldstucker, who, without multiplying instances of wrong and conflicting versions, has successfully shown some, and has at the same time thrown out his suggestion for the revision of Mr Colebrooke's translation of the Daya Bhaga. In the opinion of the learned doctor Mr Colebrooke's version can only be revised by comparing it with Pandit Bharat Chandra Shiromani's edition of the Daya Bhaga, preserving all that is good and rendering anew from the latter such portions of the former as are bad. Dr Goldstucker's suggestion has not yet been practically carried out by any competent scholar of Europe or of India. An English translation of Pandit Bharat Chandra Shiromani's edition of the Daya Bhaga and its six commentaries will be more useful to the members of the legal profession than a revised edition of Mr Colebrooke's version of the original treatise, for the latter does not give in full the comments of all the commentators mentioned in the former. Such a translation, if accurately made, would, beyond any doubt, be the repository of the doctrines of the founder of the Bengal school as explained by his approved expositors Mr Whitley Stokes, the editor of Mr Colebrooke's translation of the Mitakshara of Vijnaneshwara on Inheritance and Partition, edited with notes Mr. Colebrooke's version of the Daya Bhaga and incorporated the same in the edition of Hindu Law-Books published in 1865 at Madras. This edition of Mr Colebrooke's translation of the Daya Bhaga is a mere re-print of a previous one with slight additions of some epitomes of adjudged cases and of some references to a few English works on Hindu Law. It does not notice a single text of the original work which has been rendered with inaccuracy. Mr Colebrooke's version of the Daya Bhaga has been edited by Babu Girish Chandra Tarkalankara, the editor of an English translation of the Vyavahara Adhyaya of the Mitakshara. The only additions noticeable in this edition are a short preface by the editor and a collection of judicial rulings on the points

of Hindu Law discussed by the learned author of the *Daya Bhaga*. But, notwithstanding the necessity of reference, no index to the contents of the work has been given by the editor. It is also a matter of regret that the editor, who is a Sanskritist, has entirely omitted to point out the imperfections and inaccuracies of Mr Colebrooke's rendering of the text of *Jimuta Vahana*. In point of practical utility, Tarkalankara's edition is decidedly preferable to Mr Stokes's inasmuch as it contains a good number of rulings. The former was printed at Calcutta in 1868. In 1868 a translation of the *Daya Bhaga*, from Sanskrit into Prakrit, was printed in Bengali character at Calcutta. It abounds with the original texts of the sacred sages, and contains much important and useful information of Hindu Law. Pandit Mathura Natha Tarkaratna presented in a Bengali garb his edition of the *Daya Bhaga* which has been noticed before. Both the edition and the translation have been published in one volume at Calcutta. By order of the Government of Bengal Mr John Robinson made a Bengali translation of the *Daya Bhaga*. The version is not however an exact rendering of the original. The text of the *Daya Bhaga* was translated into Urdu. But the translation does not appear to have been made from the original. Raghu Nandana Bhattacharya, who is said to be a commentator on *Jimuta Vahana's Daya Bhaga*, was one of the four pupils of Vasu Deva Sarvabhouma, and the fellow student of Chaitanya, the celebrated founder of the religious order of Vaishnavas. He flourished in the beginning of the sixteenth century after Christ. He is acknowledged to be the highest authority on the Hindu ecclesiastical law of Bengal, and is emphatically called "Smarta Bhattacharya" or the learned Law Professor. He was the most profound canonist and jurist in the province of Bengal. The *Smṛiti Tattwa*, of which Raghu Nandana Bhattacharya was the writer, is a complete and regular digest of the *Dharma Shastra* current in Bengal. The work has very properly been considered by Sir William Jones to approximate to Justinian's Digest both in method and merit. It is described by Goverdhana Kal as "the grandest repository of all

that can be known on a subject so curious in itself, and interesting to the British Government" Raghu Nandana Bhattacharya's Smṛiti Tattwa consists of twenty-eight Tattwas or books of which twenty five are confined to the discussions of various topics relating to Achara and Prayschitta, but the remaining three, which are the Vyavahara Tattwa, the Dibya Tattwa and the Daya Tattwa, respectively treat of judicial proceedings, ordeals and inheritance. It cannot be said, as Mr Arthur Houston says, that the authority of the Daya Bhaga is recognized after the Smṛiti Tattwa of Raghu Nandana, for the pre-eminence of the former has been acknowledged by the followers of the Bengal school over and above the works on the same subject which are also current in it. But, excepting the Daya Bhaga, the portion of the Dharma Ratna, which treats of such topics as are not directly concerned with jurisprudence, has practically been superseded by the abovementioned twenty-five Tattwas of the Smṛiti Tattwa in matters of ceremonies, observances and other religious institutions. The Sanskrit Text of the Smṛiti Tattwa was twice published in Devanagari character, once at Serampore in 1841, and again at Calcutta in 1840-45. Baboo Kishori Mohana Raya Chaudhuri has recently undertaken to publish a new edition and Bengali translation of Raghu Nandana Bhattacharya's entire work under the title of Ashtavinsati Tattwa Smṛiti in monthly pamphlets. The numbers already issued comprise the original texts of the Tithi Tattwa &c, and the Bengali version is well rendered. Since the year 1876 the work was being printed at Calcutta. The object of the learned editor and translator in presenting to the public an edition of the authentic Text of Raghu Nandana and an accurate translation of it into Bengali is highly commendable. The Vyavahara Tattwa is the book on jurisprudence dwelling upon Administration of Justice, Boundary Disputes, Contracts, Evidence, Judicial Proceedings and other legal topics of a civil nature than Inheritance, Partition and Succession. It also treats of Criminal law. Pandit Lakshmi Narayana Sarma, the learned editor of the Vyavahara Adhyaya of Vijnanesh-

wara's Mitakshara, published his edition of the original Vyavahara Tattwa in Devanagari at Calcutta in 1828. The Dībya Tattwa is the only book which exclusively treats of ordeals forming a material portion of the Hindu law of evidence. Of all the Tattwas of Raghu Nandana Bhattacharya's Smṛiti Tattwa, the Daya Tattwa is almost exclusively founded upon the Daya Bhaga. The former, however, supplements the latter to a certain extent. In speaking of the Daya Tattwa, Mr Colebrooke writes as follows — "It is indeed an excellent compendium of the Law, in which not only Jimuta Vahanas' doctrines are in general strictly followed, but are commonly delivered in his own words. On a few points, however, Raghu Nandana has differed from his master, and in some instances he has supplied deficiencies." Like the Daya Bhaga, the Daya Tattwa is exclusively confined to the consideration of the topics of Partition, Inheritance and Succession, and questions the correctness of the legal doctrines relating to the said subjects as laid down by the previous adverse writers. Raghu Nandana Bhattacharya has not only confirmed in the main the doctrines of Jimuta Vahana, but has refuted the arguments of his opponents. However short the Daya Tattwa is, it has remarkably consolidated in a simple form the essential contents of the Daya Bhaga. Next to Jimuta Vahana is acknowledged Raghu Nandana Bhattacharya as the highest authority on the doctrine of cakes. This text has uniformly and invariably been followed by the latter in regulating rules of succession specially. As far as the definition, discussion and exposition of the principles of the Hindu Law of Partition and Succession are concerned, the learned author of the Daya Tattwa does not appear to have adopted any other line of argument than that started by the great founder of the Bengal school. Raghu Nandana's dissertations are neither copious nor elaborate.

Kaśī Rama has written on the text of the Daya Tattwa a commentary in the spirit of Śrī Krishna Tarkalankara's interpretation of the Daya Bhaga, and always in the very words of that famous expositor. The original Daya Tattwa was edited by Pāṇḍit



Lakshmi Narayana Sarma, the editor of the Vyavahara Tattwa of Raghu Nandana Bhattacharya, and published in Devanagari at Calcutta in 1828. But this edition would have been rendered more valuable, had it given the comments of Kashi Rama with the text. Babu Golap Chandra Sarkar, Shastri, M A B L, a Vakil of the Calcutta High Court, has lately ushered into the world an English translation of the Sanskrit text of Raghu Nandana Bhattacharya's Daya Tattwa. The translator has in general adopted with slight alterations the language of Mr Colebrooke's version of the text, common to both the Daya Bhaga and the Daya Tattwa, as well as of the passages of the latter given in his elucidatory notes on the former. The translation has been dedicated to the Honorable Louis Stuart Jackson, one of the Judges of Her Majesty's High Court of Judicature at Fort William in Bengal. It was published with a preface and an index at Calcutta in 1874. A very few notes have been appended to the version. With regard to this translation it may be remarked that it is faithful. The version is evidently the production of a Sanskrit scholar conversant with the English language.

Sri Krishna Tarkalankara, the distinguished commentator on the Daya Bhaga, is the author of an original treatise on the Law of Inheritance entitled Daya Krama Sangraha. He is said to have lived in the first part of the last century. The Daya Krama Sangraha, as its name denotes, is a compilation of the order of succession. It is in fact a concise compendium of the Law of Inheritance, Succession and Partition in conformity with the Daya Bhaga as elucidated in the Prabodhini. Many deficiencies of Jimuta Vahana and Raghu Nandana's treatise on Inheritance have been supplied by the learned author of the Daya Krama Sangraha, following the rule of analogy in the order of Succession. On a few points however the Daya Krama Sangraha differs from the Daya Bhaga. Jimuta Vahana's theory of the doctrine of funereal cakes has been followed by Sri Krishna Tarkalankara in laying down canons of descent of property in the Daya Krama Sangraha. It has been more closely adhered to by Sri Krishna than by Raghu Nandana, and has been extended

in its application to several instances. The *Daya Krama Sangraha* is written in a simple and easy style. It is neither embarrassed by argumentative discussion nor encumbered by prolonged disquisition. The principles of the Law of Succession and Partition are laid down in an intelligible manner. Both the definitions and explanations of the legal principles are free from obscurity and vagueness. Probably, for these reasons, no commentary or gloss on the Text of the *Daya Krama Sangraha* has been ever heard of or seen. In methodical arrangement and order of the treatment of the subjects of Partition and Succession, the *Daya Krama Sangraha* excels both the *Daya Bhaga* and the *Daya Tattwa*. An edition of the original Text of the *Daya Krama Sangraha* by Mr P M Wynch, late of the Bengal Civil Service, was published in Bengali character at Calcutta in the year 1818 at the close of his English version which shall be presently noticed. In 1828 Pandit Lakshmi Narayana Sarma, the editor of the original *Daya Tattwa*, edited the Sanskrit Text of the *Daya Krama Sangraha*, which was printed in Devanagari type at Calcutta. Mr P M Wynch, the editor of the original *Daya Krama Sangraha*, rendered it into English. Sir William Jones and Mr Colebrooke's rendering of the texts of the divine legislator Manu and other ancient sages has generally been adopted by the translator. A Preface and a Tabular Sketch showing the order of the heirs to the property of a deceased person are noticeable. The translation has been divided into Chapters, Sections and Paragraphs, for the sake of easy reference. It is followed by the translator's edition of the original work. By the publication of the translation and the original in one volume Mr Wynch has done immense service to the legal public. He has laid before it both the original and its version. Whenever any doubt arises as to the propriety of the translation, it can be easily removed by a careful comparison of the version with the original work. The accuracy of the translation is, however, questionable in some instances. This naturally calls for revision. Mr Wynch's translation of the *Daya Krama Sangraha* was published at Calcutta in 1818. It contains some typographical mistakes. Mr Whitley Stokes,

the editor of Mr Colebrooke's translation of the *Daya Bhaga*, edited Mr Wynch's version of the *Daya Krama Sangraha*, and incorporated the same in his edition of the *Hindu Law-Books* printed at Madras in 1865. He has neither enriched the work with any notes of decided cases nor pointed out the erroneous passages of the translation. A new edition of Mr Wynch's translation of the *Daya Krama Sangraha* by Babu Girish Chandra Tarkalankara, the editor of Mr Colebrooke's version of the *Daya Bhaga* was published at Bhowanipore in 1878. It contains several useful and important abstracts of adjudged cases illustrating the doctrines of Srikrishna Tarkalankara. Besides these, a short Preface, a Table of Cases cited and a copious Index have been given in addition to what is to be found in Mr Wynch's work. At the close of the translation the original *Daya Krama Sangraha* is given in Bengali character, and divided into Chapters, Sections and Paragraphs to correspond with those of the version. But the last two divisions of the original treatise do not appear to correspond exactly with the two last divisions of the translation. It must, however, be remarked that the learned editor has supplied the omissions of the translator, and pointed out such portions of the version as are incompatible with the accurate rendering of the original text. Likewise a few deviations of Srikrishna Tarkalankara from the doctrines of Jimuta Vahana have been noted down, to point out the conflict between the *Daya Krama Sangraha* and the *Daya Bhaga*. But Tarkalankara's professedly revised translation is not devoid of the errors of printing to be found in Mr Wynch's version, which unsettle the position of the context.

Jagannatha Tarkapanchanana of Tiiveni in the district of Hooghly, a learned lawyer and philosopher, together with other Pandits, complied in the year 1773 the *Vivadarnava Setu* at Mr Warren Hastings' request. The proposal of the compilation of the *Vivadarnava Setu* was made as early as the 18th day of March 1773 at the opening of the Sudder Court of Bengal. In December of the said year it was reported to the President that the work was almost completed in the Sanskrit language. The *Vivad-*

arnava Setu is also called Ordinations of the Pandits. It is a compilation of sundry subjects of Hindu Law, Civil and Criminal. Its compilers have largely transcribed from the Daya Krama Sangraha without acknowledgment. In the arrangement of the topics discussed in the Vivadarnava Setu, its compilers have displayed an entire disregard of methodical classification. The subjects which may conveniently be arranged under general headings have unnecessarily been arrayed under particular heads. Similarly, the topics which ought to have been properly grouped under special headings have been treated under general heads. Although the Vivadarnava Setu is the earliest of all the Digests of Hindu Law compiled since the British acquisition of the Indian Empire, it does not supersede the necessity of a further collection or compilation of the law. The learned compilers of the Vivadarnava Setu, who had been directed to execute the compilation of the Digest, did their best to make it useful and valuable by drawing information from the sources of Law with which the work abounds. But the plan of the Digest is not at all satisfactory, some subjects have been fully treated and copiously dealt with, whilst others have been passed over in a superficial manner. With reference to the merits and demerits of the Vivadarnava Setu Sir William Jones opines as follows —

“The last mentioned work is entitled Vivadarnava Setu, and consists, like the Roman Digest, of authentic texts, with the names of their several authors regularly prefixed to them, and explained where an explanation is requisite, in short notes taken from commentaries of high authority, it is, as far as it goes, a very excellent work, but though it appears extremely diffuse on subjects rather curious than useful, and though the chapter on Inheritance be copious and exact, yet the other important branch of jurisprudence, the Law of Contracts, is very succinctly and superficially discussed, and bears an inconsiderable proportion to the rest of the work.” The same learned scholar further observes on the original treatise in the following manner —

“The code, as it is called, of Hindu Law, which was compiled at the request of Mr Hastings, will be useful for the same

purpose, though it by no means obviates the difficulties before stated, nor supersedes the necessity, or the expedience at least, of a more ample repository of Hindu laws, especially on the twelve different contracts, to which Ulpian has given specific names, and on all the others, which, though not especially named are reducible to four general heads” No edition of the original Vivadarnava Setu has been published either in Devanagari type or in any other character. A Persian translation of the Sanskrit text of the Vivadarnava Setu was made for the purpose of an English rendering.

Early in the year 1774 Mr Warren Hastings forwarded to the Court of Directors a specimen of the English translation rendered by Mr N B Halhed from the Persian version of the original Vivadarnava Setu. In the same year Mr Halhed published his translation under the title of “A Code of Gentoo Laws”. Again in 1776 it was printed at London. Mr Halhed’s translation of the Vivadarnava Setu has been thus condemned by Sir William Jones —

“But whatever be the merit of the original, the translation of it has no authority, and is of no other use than to suggest inquiries on the many dark passages which we find in it, properly speaking, indeed, we cannot call it a translation, for though Mr Halhed performed his part with fidelity, yet the Persian interpreter had supplied him only with a loose injudicious epitome of the original Sanskrit, in which abstract many essential passages are omitted, though several notes of little consequence are interpolated, from a vain idea of elucidating or improving the text”. Notwithstanding the unfavorable opinion of Sir William Jones on the translation of the Vivadarnava Setu by Mr Halhed it has since been referred to on more than one occasion by the highest tribunal of Indian appeal as a book of reference. Mr Halhed is now almost forgotten by Judges and Lawyers on account of very little use of his translation.

The nature of the compilation of the Vivadarnava Setu as well as of its translation led Sir William Jones to propose to the then Government of India the composition of a new Digest of Hindu Law, which should exclusively be devoted to Contracts and

Successions on the basis of Raghu Nandana's great work The acceptance on the part of the India Government of Sir William Jones's proposal resulted in the compilation, of the Vivada Sararnava and the Vivada Bhangarnava Messrs Colebrooke, Borradaile and Morley are dissatisfied with the omission of the compilers of the above mentioned two new Digests of Hindu Law to treat of the Law of Evidence the Rules of Pleading, the Rights of Landlord and Tenant, the Settlement of Boundary Disputes, and other subjects of a similar nature They might have very good reasons for their dissatisfaction, but the compilers themselves cannot be blamed for the omission, inasmuch as they were directed by Sir William Jones, to compile Digests to be confined to the Law of Contracts and Inheritances only Under the direction of Sir William Jones, Sarvara Trivedi, a lawyer of Mithila, compiled under the title of Vivada Sararnava a Digest of the Law of Contracts and Successions No edition or translation of the original Vivada Sararnava has been presented to the legal public But an English translation of the work from the pen of Sir William Jones, who had himself undertaken to render it, could not appear on account of his untimely death The Vivada Sararnava appears to have fallen into disuse as no reference is made to it by any Court of Justice in Bengal on any occasion

Jagannatha Tarkapanchanana, son of Rudra, and one of the learned compilers of the Vivadarnava Setu, compiled at the suggestion and under the superintendence of Sir William Jones the Vivada Bhangarnava touching upon the Law of Contracts and Successions The Vivada Bhangarnava contains the select texts of the ancient Hindu legislators of India, with copious comments by the compiler principally taken from the well-known glosses and digests It deals with the discordant doctrines of the different schools without any distinction Both the current and the obsolete tenets have been jumbled together The work has been characterized as "the best law-book for a counsel, and the worst for a judge" As the Vivada Bhangarnava literally signifies Sea of the Settlement of Controversies, so the author, in allusion to the

title of his work, has divided it into Dwipas and Ratnas which mean islands and gems respectively. With reference to the two principal topics with which the Vivada Bhangarnava almost exclusively deals, it has been divided into two parts. The First Part relates to Contracts, and comprises four Dwipas, which are subdivided into twenty one Ratnas. But the Fourth Dwipa, which has been included by the learned writer in the First Part, does not, properly speaking, treat of Contracts, but of Personal Rights and Status of the persons mentioned therein. The Second Part dwells upon Successions, and contains the Fifth Dwipa which consists of nine Ratnas. Of all the Digests of Hindu Law receivable in the School of Bengal, the Vivada Bhangarnava is apparently the most recent, comprehensive and learned. But Mr H T Colebrooke, Sir T A Strange, Sir F W Macnaghten, Mr A Steele, Mr W H Morley and Dr T Goldstucker generally concur in the condemnation of the arrangement of the Vivada Bhangarnava, and also of its author's mode of dealing with the subjects contained in the work. Excepting Messrs Colebrooke and Goldstucker who, on account of their proficiency in the Sanskrit Language and the Hindu law literature, were competent to form correct opinions on the original Vivada Bhangarnava, the other European writers on Hindu law have expressed their respective opinions, which are given below, on the authority of Mr Colebrooke without any acknowledgement of it.

The following observations of the above named scholars and writers of Hindu law on the nature of the Vivada Bhangarnava are appended with their names.

“A very ample compilation on this subject is included in the Digest of Hindu Law, prepared by Jagannatha under the direction of Sir William Jones. But copious as that work is, it does not supersede the necessity of further aid to the study of the Hindu Law of Inheritance. In the preface to the translation of the Digest, I hinted an opinion unfavourable to the arrangement of it, as it has been executed by the native compiler. I have been confirmed in that opinion of the compilation, since its publication, and indeed the author's method of discussing together

the discordant opinions maintained by the lawyers of the several schools, without distinguishing in an intelligible manner which of them is the received doctrine of each school, but on the contrary leaving it uncertain whether any of the opinions stated by him do actually prevail, or which doctrine must now be considered to be in force and which obsolete, renders his work of little utility to persons conversant with the law, and of still less service to those who are not versed in Indian jurisprudence, especially to the English reader, for whose use, through the medium of translation, the work was particularly intended'' *Colebrooke*

Babu Shyama Charan Sarkar, the learned author of the *Vyavastha Daipana*, takes the following exception to the preceding remarks of Mr Colebrooke

"The accuracy of the learned translator's remarks,—that for the reasons noticed by him, the work is of little utility (even) *to persons conversant with the law*, may be questioned Persons conversant with the Hindu laws, as current in the different schools, seeing an opinion with the name of its author may recollect or discover to what school he belongs, nor can it be difficult for them to know whether that opinion prevails in any school or is become obsolete At any rate, they will find in the book almost all the important texts of all the ancient and modern works, with comments or expositions so numerous, curious, and interesting, that no work in existence can impart half the information or knowledge which *Jagannatha's Digest* does And possessed of this immense mass of opinions and information they can easily select those justly referrible to each of the schools those conversant with the doctrines of the Hindu laws as current in the different schools cannot therefore fail to derive very great benefit from this work Sir Thomas Strange and Sir William Macnaghten, whose works abound with references to quotations from the Digest, and many of whose principles are founded thereupon, are striking proofs of the usefulness of the work in this respect The learned Translator too has made several of his remarks and opinions on the authority of that Digest It is only difficult, as already



remarked, for a person not conversant with the law, to derive benefit from it, and in fact to them it would be an unsafe guide''

With due deference to the critical remarks of the learned writer, Babu Shyama Charan Sarkar, we may remark that he does not directly meet Mr Colebrooke's objection to the arrangement of the *Vivada Bhangarnava*, or impugn his observations on the author's mode of dealing indiscriminately the discordant doctrines of the different schools. It cannot, however, be questioned for a moment that men versed in Hindu law are not well qualified to select from the crude mass of opinions and tenets given in the Digest under notice the received and current doctrines of particular schools, but the task of selection is indeed laborious and irksome, and causes loss of time. The object of Mr Colebrooke in condemning the original *Vivada Bhangarnava*'s writer for not specifying or distinguishing clearly the legal doctrines of one school from those of another as well as the current from the obsolete is, perhaps simply to save the confusion, tediousness, trouble, and waste of time attendant on the task of discrimination and selection. Had Jagannatha Tarkapanchana distinctly noticed the respective doctrines of the different schools, and specified at the same time which of them are in currency and which are not in vogue, great benefit would, under the above-mentioned circumstances, have been derived by persons not only conversant with, but ignorant of the Law. The fact of Sir Thomas Strange and Sir William Macnaghten's citations from the *Vivada Bhangarnava* is not of itself sufficient to establish the utility of the work. Owing to the adoption of Jagannatha's writings in the treatises of those writers, the doctrines of the different schools have not been distinguished by them in many respects. For this reason their works even may be considered as unsafe guides to Hindu Law. It is true that many opinions and remarks of Mr Colebrooke are founded on the authority of the Digest, but they have carefully been passed on reference to the special authorities of the various schools.

"That its arrangement was not, on its first appearance, satisfactory to the learned, and that the Commentary abounds

with frivolous disquisitions, as well as with the discordant opinions of different schools, not always sufficiently distinguished, rests upon the best authority that the learned translator, by whom its utility, for the purpose for which it was planned, is well nigh disclaimed ” *Strange*

“The plan of Sir William Jones may have been excellent, but the execution of it fell to the share of Jagannatha. He has given us the contents of all books indiscriminately. That he should have reconciled contradictions, or made anomalies consistent, was not to be expected, but we are often the worse for his sophistry, and seldom the better for his reasoning. His incessant attempts to display proficiency in logic and promptitude in subtilty, he might have spared without regard to his readers ”

*Macnaghten*

“The Digest of Jagannatha, translated by Mr Colebrooke, although other subjects are occasionally adverted to, is nominally confined to the law of contracts and succession, and the frequent occurrence of jarring texts and obscure commentaries forms a great objection to it as a work of practical reference ” *Steele*

The opinion of Mr Steele that the *Vivada Bhagavata* nominally treats of the Laws of Contracts and Inheritances is entirely opposed to the copious treatment of the topics in the work

“The arrangement of the work renders its use inconvenient in the extreme ” *Morley*

“Besides these few translations, nothing whatever worth mentioning out of the large bulk of Hindu law literature, is accessible to the English judge, if unacquainted with Sanskrit, except a few disconnected verses of the ancient lawyers, put together, without any reference to the context in which they stand, in the Digest of Hindu law prepared by Jagannatha under the directions of Sir William Jones ” *Goldstucker*

Of the preceding European writers who have pronounced unfavorable opinions on the *Vivada Bhagavata*, Sir Thomas Strange and Mr William Morley also speak of the work in the following terms —

‘ But in whatever degree Jagannatha’s Digest may have fallen in estimation as a book to be used with advantage in our courts, and especially in those to the southward, it remains a mine of juridical learning, throwing light upon every question on which it treats, whatever attention it may require in extracting it ” *Strange*

“ Notwithstanding the unfavorable opinion of the Vivada Bhangarnava pronounced by its learned translator, and although this opinion is certainly, in a great measure, justified by the work itself, there is no doubt but that it contains an immense mass of most valuable information, more especially on the Law of Contracts, and will be found eminently useful by those who will take the trouble of familiarizing themselves with the author’s style and method of arrangement ” *Morley*

Contrast this opinion with that of Mr Steele which has already been quoted

In practical utility the Vivada Bhangarnava has superseded all the other digests composed or compiled since the establishment of the British Indian Empire. Although the work is reckoned a Bengal Digest, it is occasionally used by the followers of the other schools. The legal doctrines, which have originated with the learned writer of the Vivada Bhangarnava, are of course of no authority in the Bengal School, when they are opposed to the received tenets of the more approved and abler authors of the Bengal Digests. The Hon’ble Louis Stuart Jackson, a Judge of Her Majesty’s High Court of Judicature at Fort William in Bengal, has made in his judgment in the well-known Unchastity Case, the following remarks on the author of the Vivada Bhangarnava — “ As to Jagannatha Tarkapanchanana, admitting fully his vast and noted erudition, I do not think he would be a safe guide for the Courts, on the strength of his own opinion, upon such a matter ”\*

The Vivada Bhangarnava supplements in a great degree the Daya Bhaga, Daya Tattwa and Daya Krama Sangraha in matters

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\* Sutherland’s Weekly Reporter, Vol. XIX, p 405.

of Inheritance, Partition and Succession The former supplies the deficiency of the latter works

Owing to the premature death of Sir William Jones, which took place shortly after the compilation of the *Vivada Bhāṅgarnava*, an English translation of the work from his pen did not see the light, though he had undertaken to render the version, and prepared "a mass of extremely curious materials" for an introductory discourse which he had intended to write out and prefix to the translation Ultimately Sir John Shore engaged the competent and eminent scholar Mr Henry Thomas Colebrooke in translating the *Vivada Bhāṅgarnava* from the original into English Accordingly Mr Colebrooke faithfully and satisfactorily discharged the duties of a translator Mr Colebrooke has reproduced in his version of the *Vivada Bhāṅgarnava* Sir William Jones' rendering of the Texts of Manu and other legislators cited in the *Vivada-nava Setu* and also quoted by Jagannatha Tarkapanchanana With this exception the rest of the translation of the *Vivada Bhāṅgarnava*, which is comparatively the greater portion, is the production of the learned translator's pen

The English translation of the *Vivada Bhāṅgarnava* is commonly called "Colebrooke's Digest of Hindu Law" It was first published in four volumes at Calcutta in 1797, and again in three volumes in London in 1801 The third edition of the version was printed in two volumes at Madras in 1864 Its first two hundred pages are replete with explanatory and useful notes by a competent and experienced judicial officer specially engaged for the purpose of annotating the entire Digest But owing to the annotator's want of leisure the remaining portion of the work was not annotated by him In 1874 the fourth edition of Mr Colebrooke's Digest of Hindu law was re-printed from the third with a Memoir of his at Madras No special remark appears to have been made by Dr Goldstucker on Mr Colebrooke's translation of the *Vivada Bhāṅgarnava* In preparing the version, Mr Colebrooke tried his best to make it as literal as possible But the rendering of the same text cited in the *Daya Bhāga* of Jimuta Vahana, the *Mitākshara* of Vijnaneswara and the *Vivada*

Bhangarnava of Jagannatha Tarkapanchanana, has not consistently been made by Mr Colebrooke in many places of his translations of the abovementioned original works

Of the above described six Digests of Hindu Law the first three and the last one chiefly represent the Bengal School. But the authority of the Daya Bhaga is undeniably paramount, and prevails over the other treatises on Inheritance, Succession and Partition recognized in the School of Bengal in case of palpable contradiction. Preference is, however, sometimes given to the Daya Krama Sangraha even over the Daya Bhaga for supplying in a great measure its deficiencies, and for illustrating copiously its principles. Where the Daya Krama Sangraha may be found deficient in ordaining special rules of succession, the doctrine of funeral cakes propounded by Jimuta Vahana and followed by his votaries forms the essential rule of guide, which should invariably be followed in the administration of the Bengal law. As regards the Law of Contracts the Bengal School gives preference to the Vivada Bhangarnava over the Digests treating of the said law in currency in the school.

The writers, whose opinions are generally cited for confirmation or correction by the approved authors of the current Bengal Digests, in addition to the Text-Books, Commentaries, and dominant Digests of the other schools, are Bala Rupa Baloka, Bhoja Deva *alias* Dhareshwara, Dikshita Goyi Chandra Grahashwara, Hari Hara, Jitendriya, Murari Misra, Sri Kara Misra, Udyota, Vishwa Rupa and many others, whose works are not reckoned as the immediate authorities of any particular school. Besides the principal Digests which have been described before as the direct authorities of the School of Bengal, the undermentioned treatises, though known to its followers, are rarely referred to in the administration of the Bengal law of Inheritance and Partition.

Roma Natha Vidyavachaspati, a commentator on Jimuta Vahana, composed a treatise on Inheritance under the title of Daya Rahasya or Suriti Ratnavali which has previously been mentioned. This work is one of merit, but it tends to render

the uncertainty of the law on some important and material questions of frequent occurrence. It differs on some principal points from the *Daya Bhaga* and *Daya Tattwa*. Sri Kara Bhattacharya wrote on the subject of Inheritance a tract entitled *Daya Nirnaya* according to the doctrines of the Bengal School. This treatise is little more than an abridged edition of the *Daya Bhaga*. Mr Colebrooke mentions Sri Kara Bhattacharya as the writer of the *Daya Nirnaya*. But Mr William H Morley ascribes the authorship of the work to Vachaspati Bhattacharya. This difference of naming the author of the *Daya Nirnaya* is indeed striking, and cannot be settled without a strict examination of the several manuscript copies of the work. Mr H T Colebrooke, whose knowledge of Sanskrit law-literature, and whose collection of the original Hindu law books are particularly known to every Anglo-Sanskrit scholar, has personally seen the *Daya Nirnaya* at the time of the noticing it in the preface to his English translations of the *Daya Bhaga* and *Mitakshara*, and has given out without any hesitation the name of Sri Kara Bhattacharya as the author of the *Daya Nirnaya*. The same learned scholar, in speaking of Vachaspati Bhattacharya in the preface to the English translation of the *Vivada Bhagavata*, does not say any thing about his authorship of the *Daya Nirnaya*. But Mr W H Morley, who was not a Sanskrit scholar, and whose information of Hindu law was not derived from any original source, gave out the name of Vachaspati Bhattacharya as the writer of the *Daya Nirnaya* without making any reference to the source from which the information on the authorship of the treatise was drawn. Moreover, Mr. Morley, who has mainly drawn his information of Hindu law from the writings of Mr Colebrooke, cannot be safely relied upon in case of palpable contradiction with the latter. The manuscript copies of the *Daya Nirnaya*, however, read Sri Kara Bhattacharya as the author of the work.

Vachaspati Bhattacharya is the author of the *Dvait Nirnaya*, a work on law generally. He is cited by the learned writer of the *Vivada Bhagavata* as his venerable grand-father. The

Vyavastharnava, spoken of by Sir William Hay Macnaghten as one of the authorities of the Bengal Law without any further description, is not used as a work of reference on the Hindu Law as current in the School of Bengal. No edition of the Sanskrit Text of any of the immediately preceding four works or translation of it into any language has ever appeared.

A few more treatises on law, which have been alluded to by the writers of the recent Bengal Digests, and are sometimes consulted by the native lawyers of the Bengal School, will presently be noticed. They are, in general, neither published nor rendered into any language. Aniruddha Bhatta wrote under the title of *Hara Lata* a treatise on general law. Bhava Deva Bhatta *alias* Bala Balabhi Bhujanga composed a legal tract entitled *Vyavahara Kala*.

Helayadha, son of the illustrious lexicographer Dhananjaya, was the spiritual preceptor of Lakshmana Sena, King of Bengal. He is said to be a descendant of Bhatta Narayana, one of the five Vedantists sent by the Raja of Kanauj to Adisura at his request, and the well known writer of the Sanskrit drama called *Veni Sanhara*. Helayudha flourished more than seven hundred years ago. Of his compositions on sundry subjects a treatise on the Administration of Justice is well known. Under the direction of Govinda Chandra, King of Kasi, two treatises entitled *Govindarnava* and *Kalpa Taru*, were respectively written by Nara Sinha, son of Rama Chandra, the distinguished grammarian and philosopher, and by Lakshmi Dhara. Both Nara Sinha and Lakshmi Dhara are also the authors of tracts on Administrative Justice. Since the British Empire was established in India five additional compilations of the Bengal Law made their appearance. They are generally deficient. A collection of opinions, compiled in Bengali by Lakshmi Narayana Nyaylankara, from the original *Daya Bhaga* and others, with the authorities of Manu and other holy sages, was published under the title of *Vyavastha Sangraha* at Calcutta in 1827. It is one of the works patronised by the Bengal Government. The *Vyavahara Ratnamala* of Lakshmi Narayana Nyayalankara has been written in Bengali in the form

of a catechism. It notices succinctly the Law of Inheritance according to the tenets of the *Daya Bhaga* as contrasted with those of the *Mitakshara*. It also contains a short chapter on the Law of Adoption. The principles treated of in the treatise are all supported by citations from the original works of established authority. The tract was printed at Calcutta in 1830. Under the patronage of the Bengal Government Rama Jeevana Tarkalankara compiled a work entitled *Vyavastha Sangraha* containing a collection of opinions from the thirty-six original books together with the authorities of Manu and other Rishis. The compilation was published at Calcutta in 1827. Ganga Kishore Bhattacharyya of Bahoria is the compiler of a Bengali treatise on Inheritance, Impurity and Expiation. The topics have imperfectly and superficially been dealt with. A concise Bengali pamphlet compiled by Abhoya Charana Tarkapanchanana, a famous logician, gives only the abstract principles of the *Daya Bhaga*. The *Dattaka Chandrika* is a short tract on Adoption. Its authorship has been attributed to Kureia, Devananda Bhatta and Raghu Mani Vidyabushana severally. Both the printed editions and the manuscript copies of the *Dattaka Chandrika* give at the end the name of Kurera only as the author of the work. According to Mr J C C Sutherland and other European scholars, the *Dattaka Chandrika* is the composition of Devananda Bhatta, a learned lawyer of Southern India, and the famous author of the *Smṛiti Chandrika*. Of all the Sanskrit scholars of Europe, Mr J C C Sutherland was the first to inform the legal public of Devananda Bhatta's authorship of the *Dattaka Chandrika*. This information appears to have been drawn by Mr Sutherland from a cursory perusal of the opening verse of the *Dattaka Chandrika*. The verse as translated into English by Mr Sutherland runs thus —“By the favor of Chandrikala, the *Dattaka Chandrika*, the dispeller of the doubt arising from what was not propounded in the *Chandrika*, is compiled.” In his note to the word *Chandrika* occurring in the translation the translator alludes to “*Smṛiti Chandrika*, a celebrated treatise on judicature.” Again, the translator, in his note to the English translation



of the Peroration of the Dattaka Chandrika, makes the following remarks —“The printed copy, as well as manuscripts read Kuvera. As however the author avows himself to be the writer of the Smṛiti Candrika, which is known as the production of Devananda Bhatta, this name in the translation has been substituted.” How far Mr Sutherland has been justified to draw from the introductory verse of the Dattaka Chandrika, the inference of its writer’s avowal of his being the author of the Smṛiti Chandrika is an important question for consideration. An inquiry into the propriety or impropriety of Mr Sutherland’s remarks, which have been quoted above, necessarily suggests two points of importance for consideration —1 Whether the author of the Dattaka Chandrika really avows himself as the writer of the (Smṛiti) Chandrika? 2 Is the Chandrika spoken of in the introductory verse of the Dattaka Chandrika the same as the Smṛiti Chandrika of which Devananda Bhatta is the celebrated author? With reference to the first point it must be remarked that there is nothing in the opening verse of the Dattaka Chandrika to present any indication of this treatise and the Chandrika as the productions of one and the same writer. It cannot reasonably be concluded from the fact of the composition of the Dattaka Chandrika for the removal of the doubt originating from what has not been discussed in the Chandrika that the writer of the former is the author of the latter. Moreover, it is not usual with any writer, European or Indian, to write on a subject which has not been fully or at all dwelt upon in any previous treatise written by another. As regards the second point it may be observed that the Chandrika alluded to in the introductory verse of the Dattaka Chandrika is the Smṛiti Chandrika, for it has been the practice with Sanskrit writers to allude to a work often by its partial title. Had the author of the Dattaka Chandrika avowed himself to be the writer of the Smṛiti Chandrika, there would have been some indication of the fact in the opening verse of the former. The peroration of the Dattaka Chandrika would have also mentioned the name of Devananda Bhatta instead of that of Kuvera.

No other Sanskrit scholar than Mr J C C Sutherland has assigned any reason whatever for the authorship of the Dattaka Chandrika by Devananda Bhatta But they have most likely acquiesced in the remarks of Mr Sutherland already cited

Many Bengali Pandits are of opinion that the Dattaka Chandrika has been written by Raghu Mani Vidyabhushana, spiritual preceptor of the Krishnanagara royal family, and a contemporary of Jagannatha Taikapanchanana, the illustrious compiler of the Vivada Bhangarnava Raghu Mani Vidyabhushana was distinguished for his literary attainments He is said to have helped Mr Henry Thomas Colebrooke, while preparing the English translations of the Daya Bhaga and Mitakshara The reason assigned by the Pandits in support of their opinion is the formation of the name of Raghu Mani by the consecutive junction of the first and last letters of the first and second lines of the concluding verse of the original Dattaka Chandrika The assertion of the Pandits regarding the composition of the Dattaka Chandrika by Raghu Mani Vidyabhushana is questionable on two grounds —1 That the name of the author of the Dattaka Chandrika is evident from the work itself 2 That citations from the Dattaka Chandrika appear in the treatises written long before Raghu Mani flourished Pandit Bharat Chandra Shiromani, who has already been noticed as the learned editor of an excellent edition of the Daya Bhaga and its six commentaries, wrote on the Text of the Dattaka Chandrika a commentary entitled Bala Sanbodhini

Nanda Pandita, the erudite writer of the Vajayanti noticed under the head of Commentaries, composed the Dattaka Mimansa, which is conjectured to have been based on the Dattaka Chandrika The former is evidently confined to the argumentative discussion of the topic of Affiliation The extravagance of the author's logical pretensions has rendered the treatise tedious, and caused his reasonings always prolix The style is not free from frequent obscurity Notwithstanding these defects the work has been, on the whole, ably written

“The Dattaka Mimansa,” says Mr J C C Sutherland, “is



the most celebrated work extant on the Hindu Law of Adoption " Mr H T Colebrooke thus speaks of the Dattaka Mimansa in his letter to Sir John Royds — "The Dattaka Mimansa is no doubt the best treatise on Hindu Adoption " Sir T A Strange is of opinion that the Dattaka Mimansa is "the standard treatise on the Law of Adoption," and is "the highest authority upon the subject of Adoption " In the case of *Rungama vs Atchama*, the Lords of the Judicial Committee of Her Majesty's Privy Council, observed on the Dattaka Chandrika as follows — "We think that these treatises are more distinct than the work of Jagannatha, they are written on the particular subject of adoption They enjoy, as we understand, the highest reputation throughout India, and their weight is strong against a second adoption ' A commentary on the Text of the Dattaka Mimansa was written by Pandit Bharat Chandra Shiromani, the commentator on the Dattaka Chandrika, under the title of Bala Bibodhini Both the original Texts of the Dattaka Mimansa and Dattaka Chandrika were published in Devanagari character at Calcutta 1817 The Sanskrit Texts of the Dattaka Mimansa and Dattaka Chandrika, together with their respective commentaries, which have been just now noticed, were edited by Pandit Bharat Chandra Shiromani, and printed in Bengali character at Calcutta in 1857 At the close of each original work an account of the purport of its contents has been written in Bengali In 1819 Mr J C C Sutherland, late of the Bengal Civil Service, translated from Sanskrit into English the Dattaka Mimansa and the Dattaka Chandrika The translator was the worthy nephew of Mr Henry Thomas Colebrooke, and enriched the translation with many elucidatory and illustrative foot notes The version is preceded by a preface, which briefly notices the two treatises on adoption and their respective authors, and followed by a general summary of the Law of Adoption as given in the said two works The summary has been added with the view of showing the difference between the two treatises on points of the law, and how they may be affirmed or controverted by other authorities The translation of the Dattaka Mimansa is, however,

in many places, not free from the obscurity of the original treatise, but it has been rendered more intelligible by the introduction of occasional notes. A faithful English translation of Pandit Bharat Chandra Shiromani's edition of the Dattaka Mimansa and Dattaka Chandrika together with their commentaries will be more useful to the legal public than Mr Sutherland's version of the two treatises only. Mr Sutherland's translation of the Dattaka Mimansa and Dattaka Chandrika was published at Calcutta in 1821, and reprinted at Madras in 1825. It is also embodied in Mr Stokes' collection of Hindu Law Books published at Madras in 1865. Babu Kishen Kishore Ghose, the late senior Government Pleader of the Calcutta High Court, edited Mr Sutherland's version of the Dattaka Mimansa and Dattaka Chandrika with a short introduction and an appendix containing a digest of reported cases relating to the Hindu law of Adoption. This edition was issued at Calcutta in 1865. Its utility for practical purposes cannot be denied. The Synopsis or General Summary of the Hindu Law of Adoption, by Mr J C C Sutherland, appended to his translation of the Dattaka Mimansa and Dattaka Chandrika, was separately printed at Madras in 1870. In 1844 Monsieur G Crampe, the French translator of Law of Inheritance from the Sanskrit Mitakshara of Vijnaneshwara, rendered the Text of the Dattaka Chandrika from Sanskrit into French. The version was printed at Paris. An Urdu translation of the Texts of the Dattaka Chandrika and Dattaka Mimansa was published at Calcutta. The doctrines of the Dattaka Chandrika and Dattaka Mimansa are equally respected by the followers of the Bengal School, but where they differ, the former is preferred to the latter. Mr William H Morley is wrong in observing that in matters of adoption preference is given to the Dattaka Mimansa over the Dattaka Chandrika in Bengal. Besides the Dattaka Chandrika and the Dattaka Mimansa, there are the Dattaka Nirnaya, Dattaka Tiloka, Dattaka Siddhanta Manjari, Dattaka Darpana, Dattaka Kaumudi, Dattaka Didhiti and Dattaka Shiromani. These seven treatises are general Digests of the Hindu Law of Adoption.

The Dattaka Nirṇaya is a compilation of the Texts of the ancient Hindu legislators and other writers on the topic of Adoption with necessary expositions by Sri Natha Bhatta, a celebrated Pandit of Bengal. It is a concise and lucid tract on the law of Affiliation. Its text has neither been wholly published nor has its English translation by Mr Blacquer, Interpreter to the late Supreme Court of Calcutta, been ever printed separately. But Macnaghten made use of the version in treating of the subject of Adoption in his treatise styled Considerations on Hindu Law. Bhova Deva Bhatta and Rama Krishna Bhatta are the respective writers of the Dattaka Tilaka and Dattaka Siddhanta Manjarī. The Dattaka Shiromanī is a very recent work on the Hindu Law of Adoption by Pandit Bharat Chandra Shiromanī, the learned editor and commentator of the Dattaka Mīmāṃsā and Dattaka Chandrika. It has evidently received its title from that of the writer, and contains extracts from the Dattaka Nirṇaya, Dattaka Tilaka, Dattaka Siddhanta Manjarī, Dattaka Darpana, Dattaka Kaumudī and Dattaka Dīdhiti. Under the auspices of the late Honorable Prosonno Coomar Tagore, C S I, the work was published at Calcutta. The Dattaka Shiromanī is an excellent Digest of Adoption.

## NOTICES OF BOOKS

*The Kayastha Ethnology*, Being an enquiry into the origin of the Chitrāguptavansī and Chandrasenavansī Kayasthas. Compiled by Munshi Kali Prasad, Srivastava. Dsic. Lucknow. American Methodist Mission Press, 1877.

The object of this pamphlet is to show that the Kayasthas, or the Writer caste, are not Sudras but of Kshatriya origin. The writer has brought together a mass of irrelevant matter which does not help him in the least in making his position good. He has produced testimonies from the Rev Mr Sherring, Sir George Campbell, Mr Arthur Steele, Mr Bates, and others.

But what are their testimonies worth on such a subject ? The only two passages from the sacred books which seem to bear upon the point are, one from the *Padma* Purana, and the other from the *Skanda* Purana. But both these Puranas are modern, their testimonies, therefore, are not of much consequence. But even granting that those Puranas are authoritative, how far do they go ? We learn from them that Chitrugupta and Chandra Sena were Kshatriyas, and that their descendants are Kayasthas. But surely all the Kayasthas of India are not the descendants of those two Kshatriya chiefs. It is admitted that there are other sorts of Kayasthas, what about them ? They cannot be of Kshatriya origin. We doubt, however, whether any Kayasthas are the descendants of Chitrugupta, the passage in the *Skanda* Purana leaves the impression on the mind, not that the Kayasthas are descendants of Chitrugupta, but that the name *Kayastha*, that is, *residing in the body*, was a personal designation conferred by Parasu Rama on Chitrugupta, as being a Kshatriya, and therefore created from the body of Brahma. The author, we see, is a Vakil of the Judicial Commissioner's Court in Oudh ; but we doubt whether the evidence he has adduced in favour of the Kshatriya origin of the Kayasthas will pass muster in any court of justice.

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We are glad to learn from the "Sixteenth Annual Report of the Uttarpara Hitakari Sabha for 1878-79" that that Society is becoming more and more useful every year. We wish for it what Father Paul wished for his country—*Esto perpetua*.

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THE EMPLOYMENT OF EDUCATED NATIVES \*

[By Peary Mohun Mukherjee, A. A., B. L., of Uttarapara]

The demand for education in this country has gradually increased so enormously, and the earnest endeavours of Government, backed by its liberal, I may say, profuse support, have resulted in so wide a dissemination of it among all classes of the community, that thoughtful men have begun to regard the movement as one of very serious importance, serious for good or for evil. Not only have colleges and schools sprung up in the most remote and unpromising parts of the country, and even rural communities been provided with numberless primary schools and patshalas, but the students who receive education in these institutions are innumerable. The students who go up for the University Entrance examination are a small fraction of those who actually receive the benefits of education in this country, yet it was observed by Sir Henry Sumner Maine a few years ago that, judged by the number of students who competed at the annual examinations and the number who passed examination in degrees, the success of the Calcutta University was unprecedented in the history of university education. This result might well have been anticipated. In a country, where service under the ruling power has been all along looked upon as the only means by which those who are above or below manual labor can earn a livelihood, and perhaps rise to opulence and renown, it is no wonder that people from all sections of the community should have vied with one another to give their boys an education which

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\*A paper read at the Hooghly Institute on June 6th 1879

would serve as a passport to Government service. The inducement became stronger as the field for the employment of native talent became larger, until at last, as will presently be seen, the supply has greatly exceeded the demand. It was as clerks in public offices that natives, who had learned to read and write English, first got employment under Government. Their sober habits, their blind obedience to superior authority, their love of routine work, and their disgust for bodily movement, all combined to make them most desirable clerks, while their genius for the manipulation of figures, and their knowledge of a system of arithmetic superior in all respects to the English, at once rendered their services of incalculable value in the department of accounts.

The intelligence of the people, and their extraordinary aptitude to learn whatever was taught them, soon made it clear that they were fitted for more responsible offices. The ignorance of the rulers of the language of the country and of the manners, customs and institutions of the people, also rendered it necessary that the subordinate judicial service should be thrown open to them. The gentlemen who first held office as Moonsiffs must have found it, however, neither a dignified nor a paying appointment. Their own remuneration, the cost of establishment and stationery, depended upon the amount of institution fees, and they themselves were liable to suits for damages and also to criminal prosecutions at the instance of suitors "for oppressive and unwarranted exercise of authority." It was in 1831 that the aggregate pay of a Moonsiff and of his establishment was fixed at Rs 100 a month, and an allowance of Rs 10 was sanctioned for stationery. But power however circumscribed, and pay however small and precarious, must have been heartily acceptable to gentlemen who had not to pass through any ordeal whatever in order to enter the judicial service. No examination of candidates for Moonsiffships was instituted till 1840, after which year the Judges, who had the appointment of Moonsiffs in their hands, satisfied themselves that the candidates possessed some knowledge of the laws administered and of the procedure followed in the courts, before they declared them eligible for Moonsiffships. Divi-

sional Committees for the examination of candidates for Moon-siffships were appointed in 1846, and since then the qualification test has not only been immeasurably raised, but the status of native judicial officers has been placed on a more satisfactory basis, and their marked and tried ability has been recognised with a promptitude and rewarded with a liberality which reflect equal honor on the rulers and the ruled

Although the progress of educated natives in the Subordinate Executive Service has not been equally remarkable, the services rendered by them in this branch of the public service have been no less important. When in 1833 the Government of Lord W Bentinck enacted "that natives of respectability should be employed in more important trusts connected with the revenue administration," the Deputy Collectors, then for the first time appointed, were placed in much the same high positions which they enjoy, and were vested with much the same functions in relation to the executive head of the district which they perform at present. The appointments were from their very creation regarded as prize appointments, and given to the pick of educated natives. In no sphere have Natives shown greater administrative ability, or greater honesty and fidelity, in the discharge of high and responsible duties, or have their services been of greater value to the state, than in the Subordinate Executive Service.

Along with the progress of the judicial service, and perhaps a few steps in advance of it, the native bar has gradually risen from a singularly insignificant position to one of no inconsiderable power and importance in the state. In the early Regulations the Vakeels always appear side by side with the ministerial officers of the Courts, and are nowhere treated with a greater consideration. They were to all intents and purposes regarded as officers of the Courts, and their appointment and dismissal were entirely in the hands of the Judges. They were paid by a narrow scale of fees, and they were compelled to refund to their clients fees received by them whenever cases were remanded by a higher Court for retrial. Even their conduct at home was not secure

from scrutiny A Vakeel was liable to be dismissed among other grounds for profligacy in private life, and for taking money or presents in addition to authorised fees How such a bar rose to a height of forensic ability which led Sir Barnes Peacock to compare a section of it to the bar of Westminster Hall, and Sir James Stephen to deplore the anomaly which existed in this country of a bar more learned than the bench, is an interesting study, which may well form the subject of a separate paper

It was not however in the arena of the Court-house alone that natives first won their spurs as men who could vie with the people of any other country in feats of intellectual power The proficiency they acquired in medical science and in the healing art, soon after the establishment of the Medical College, is well known In spite of early and deep-rooted prejudices numbers of students gradually flocked to master the principles of medicine and the auxiliary sciences, and, while they in later years scattered the blessings of a progressive science throughout the country, they at the same time were by the very nature of their vocation the foremost men to dispel prejudice and superstition, and to impress on the mass of their ignorant countrymen the grandeur of the power which science has placed in the hands of the English people.

In later years the theory and practice of Civil Engineering gave scope to the ambition of not a few educated natives, and their success in this has been as brilliant as in any other profession

The number of natives to whom the education service has given employment is not inconsiderable Thousands are engaged in the work, but inasmuch as the province of education is yet but imperfectly defined, and various circumstances have combined in this country to restrict to mere instruction the whole aim and scope of education, it remains yet to be seen whether natives would ever make good teachers In the long roll, however, of our professors and teachers, and of those engaged in the work of inspection and superintendence, we have men who for learning and erudition would do honor to any country

Literature as a profession scarcely pays in this country, and it is therefore no wonder that few among those who are able to write, and whose writings are likely to be welcomed as valuable contributions to Anglo-Indian literature, are induced to devote their time and energy to writing books and newspapers. The highest tribute of praise has been paid to the productions of native gentlemen in archæology, travels, law, and even in that most difficult species of composition in a foreign language, the delineation of home-life and character. Some of the contributions to the vernacular literature are no less entitled to the gratitude of the country, but it is certainly no matter for felicitation that, neither the demand nor the supply of good works in the vernacular of the country, is at all commensurate to the extent and degree to which the people have reaped the benefits of education.

With the rise and progress of civilised institutions, and the gradual expansion of the different spheres which give remunerative employment to educated men, there has been a more than proportionate extension of the sphere of education. But while there is and must necessarily be a limit to the demand for educated men, the name of those who are candidates for employment as clerks, assistants, accountants, Moonsiffs and Deputy Collectors, and of those who are aspirants for success in the independent professions, is legion. The condition of those unemployed young men who have learned enough English to qualify them for clerkships, and to disqualify them for everything else, is truly pitiable. What with anxious enquiries about vacancies in public and mercantile offices, what with hankering and solicitations for patronage and recommendations to men in power, what with repeated disappointments and repulses, their life is a life of sore trial and misery. The large number of graduates who have taken degrees in law in the hope of entering the judicial service, or securing for themselves a successful career in the profession, are in no better plight. Gentlemen by education, they keenly feel the loss of time and energy to which they are compelled to submit themselves in the prime of life in a vain search after money, while their countrymen have sometimes the occasion to

feel the truth of Sir W Scott's observation, that "law is like a poison, it is much more easy to use it as a quack does than to learn to apply it like a physician" Now graduates in medicine are not in such absolute want of work as new graduates in law. So long as property will be held, as it is held in this country, more valuable than life, there will be no lack of encouragement to young doctors. Persons, who hesitate to employ any but a Vakeel of tried abilities to prosecute or defend a suit for a biga of land, will not feel the slightest dread to avail themselves of cheap medical aid. The number of licensed and unlicensed medical practitioners is indeed too large for the good of the country. Sir Henry Sumner Maine was perhaps right when he said, that every new accession of strength to the legal profession gave a healthier tone to society, but there could be but one opinion as to the consequences to a country having more doctors than it wanted. "In the multitude of counsel there is safety, but," said Sir Walter Raleigh to Queen Elizabeth, "the safety is for the physicians and not for the patient"

The young men who have been thus thrown adrift on society are in most cases the hopes of their families. It is for their education that their parents and guardians have sacrificed the comforts and even the conveniences of life, it is for them that they have undergone privations which only a Hindu father and a Hindu mother can undergo for the sake of their children, and it is to them that they looked up not only for the maintenance of their families, but also for the realisation of their long-cherished dreams of riches and elevation in the social scale. Too late have they found that those hopes were raised only to be dissipated. Too late has the conviction gained upon them that, if the money which they spent in the education of their boys had been laid by, it might have given them a fair start in life in some industry, trade or occupation, and enabled them to become useful members of their families and of society. The desire of every parent, who can afford the cost, to give a liberal education to his boy, has called into existence a large number of young men who not only see before

them no way whatever to earn a livelihood, but who have imbibed by training and association ideas of life and comfort which cannot be realised, whose sense of fancied superiority has produced a perceptible estrangement not only from their ignorant countrymen, but also in their family relations, and in whom the destruction of all religious faith has not only prevented the formation of a definite aim in life but has robbed life of that element without which, to quote the dictum of Carlyle, "no man and no nation can be great" This outcome of a reaction in Hindu society, which has led people to mock at all distinctions of caste, wealth and lineage which had enthralled them for centuries, and to compete with one another for ascendancy under the new condition of affairs, was inevitable, but it is nevertheless to be deplored that it has brought about a state of things which is as unhappy as it is remarkable In no other country perhaps is the system of education similar to that pursued in this Nowhere else is it the endeavour of every parent to give a thorough liberal education to his boy, and to train him in such a manner as will enable him to fill the highest offices in the state Even in enlightened England, by far the largest number of boys have never a copy of Shakespere or Milton placed in their hands, so soon as they have learned to read and write, and sometimes before they have acquired that little qualification, they are made to serve apprentice in the industry, trade or occupation which is to be the business of their lives It is a system of education which recognises the actual wants of society and does not therefore disturb its harmony. They alone receive a liberal education who intend to take a part in the administration of the country, or to enter the ranks of her civil or military service, or to become members of one of the learned professions In this country, however, the condition of no boy is deemed too low, or his natural parts too unpromising, but that he is expected some day to adorn the bench of the High Court, or to assist the Viceroy in the deliberations of His Excellency's Council The sooner we educate ourselves to a full and thorough comprehension of the present position of affairs the better for us and for our children More



than 200 years ago, when English noblemen were content with making cross-marks in the place of signatures, and when training in arms formed the principal item in the education of the Englishman, Lord Bacon remarked, "It was servants, shepherds, apprentices that were wanted, there were already too many scholars" How much more truly does the remark apply to this country, where the greatest number of unemployed persons belong to the educated classes. What is most wanted is, that we should have more lowly thoughts, and that we should endeavour to rouse ourselves and rouse our neighbours to take a part in the great work of developing the material resources of the country, and compelling nature and art to yield to industry and intellectual culture the tribute which is denied by man.

The land presents an inexhaustible source of reproductive labor. Our system of agriculture is so rude, the means of irrigation and drainage within the reach of the ryots are so defective, the means and appliances for restoring fertility and vigor to a soil which has been impoverished by cultivation are so imperfectly understood, the ryots have so great a superstitious repugnance to all change, they are so apathetic in the matter of the degeneracy of cattle, and the smallness of their holdings presents so serious an obstacle to all progress, that there is a wide opening for the improvement of agriculture. Nothing will more benefit the country, or more handsomely repay the employment of capital and labor, than efforts made for the removal of these evils. It remains for educated men to convert the small and scattered holdings, owned by a class of men who live in a state of chronic indebtedness to the Mahajun or the landholder, to moderate sized farms, and thus not only to solve the problem which legislators have vainly striven to solve, but also to snatch from the grasp of fortune competence, perhaps also wealth, for themselves and their families.

No less promising is the field of manufacture. The natural resources of the country offer facilities which few countries possess for the manufacture of articles required for daily use and comfort. It is a standing shame to the nation, that our raw pro-

duce and stuffs are exported to foreign countries for manufacture and imported back for our consumption. We can not be too forward to blot it out from our national character. Organised labor and joint stock operation have done wonders in other countries, and no reason can be assigned why they should not be equally successful in this.

A large section of our community is connected with our inland trade, but no one will deny that we are yet far from being great as a trading nation. The secret of our want of success lies in our character. There is little hope of our prosperity in trade so long as educated men will look down upon it as a low occupation, and content themselves with entrusting it to the care of those who, with rare exceptions, want those elements of character which are essential to success, namely, honesty of dealing and confidence in one another. It is for educated natives to show to their countrymen that honesty is wisdom as well as virtue.

The spheres of life which are still open to educated natives are therefore sufficiently wide and varied, but they point to the necessity of a material change in our system of education. The system which obtains at present should be confined to the training of those few who aspire to appointments of high trust in the state, or to become members of the learned professions. We have already too bitter an experience of the effect of such education on the mass of Hindu boys to wish for its further spread and progress. It is high time that technical instruction in the different arts and industries should in a great measure supersede literary education, and that we should no longer close our eyes to the fact that, in allowing our boys to drift along the current of an aimless education, we are not subserving the best interests of those to whom we are bound by ties of deep affection and duty.

## CIGARS AND METHODISTS

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In a recent member of the *Lucknow Witness* there appeared a remarkable letter under the mellifluous signature of *Anti-Chimney Pot*, in which the writer, who is evidently an A E Methodist, describes the manner in which the Holy Ghost convinced him of the sinfulness of the practice of smoking. As not a few Christians are guilty of that besetting sin of the day, I feel it my duty to relate, for the benefit of the Christian readers of the *Bengal Magazine*, the experiences of the pious correspondent of the Lucknow paper.

*Anti-Chimney Pot* was "an habitual smoker for many years," but "for several years before I gave up the practice my conscience plainly indicated to me, in its own peculiar way, that it was polluting and unbecoming a "temple of the living God" " It is a thousand pities that the devout letter-writer has not fully described the process, the "peculiar way," in which his conscience was exercised on the subject of smoking, as the omission has deprived the Christian Church of the knowledge of a deeply interesting psychological process, which might have greatly contributed to ghostly edification. But happily we are not left entirely to grope in the dark. The valuable parenthetical remark—"(See II Cor VI 16)"—gives us a glimpse of that psychological process and of the basis on which it is grounded. The verse alluded to runs thus—"And what agreement hath the temple of God with idols? For ye are the temple of the living God, as God hath said, "I will dwell in them, and walk in them, and I will be their God, and they shall be my people" " It is not of course meant that the Apostle Paul refers in that verse to smoking, but *Anti-Chimney Pot* felt that, as he was a 'temple of living God' he could not with any decency indulge in the "polluting" practice of smoking, especially as the fumes of tobacco could not emit a smell of sweet savour sufficiently grateful to the nostrils of the divinity seated within the temple.

By the way I may remark, that our spiritual friend of the *Anti-Chimney Pot* must have smoked very bad cheroots, probably those manufactured at Dornah in Calcutta which give out an offensive smell when smoked, and that he must have been in the habit of spitting while smoking, otherwise it is difficult to understand why he should call smoking a "polluting" practice, for if he had smoked a real Havana or Manilla, so far from feeling himself polluted, he would have felt a delicious aroma diffused through the "temple" of his body. But howsoever this might have been, his conscience told him that smoking was "polluting," and he thought he had the sanction of St Paul's high authority for his feeling.

But though *Anti-Chimney Pot* was convinced of the impropriety of smoking, he could not easily give it up. Such is the depravity of human nature that it will not part with its darling sins, though convinced of their ruinous consequences. Our friend had to go through a fierce struggle. His enlightened conscience "plainly indicated" to him, "in its own peculiar way," that smoking was polluting, but the old Adam within him would not listen to the voice of conscience. And the consequence was that he had to fight desperately. Listen to his words — "I fought against the ever-increasing conviction for a long time throughout which my spirituality was at a very low ebb indeed." We confess we do not understand why smoking should be a greater deterrent of spirituality than eating or drinking. Indeed, we think that smoke is a less gross, a less dense, and therefore a more spiritualized, substance than beef or mutton, smoking is, therefore, it should seem, more conducive to a spiritual frame of mind than indulgence in beef or mutton. But the experience of our friend of the *chimney pot* was different. The more he smoked the less spiritual he became. He fought hard against his evil nature. He did not fight once or twice, but as he pathetically says, "for a long time." Poor *Anti-Chimney Pot*! Methinks, I hear him exclaim in the paroxysms of his agony, "O wretched man that I am, who shall deliver me from the polluting practice of smoking?"

But deliverance came at last "At last," says *Anti-Chimney Pot*, in the peculiar Babylonish jargon in which he and others of his kind usually indulge, "at last the 'I can do all things through Christ which strengtheneth me' of the great Apostle encouraged me to trust in the Mighty to Save, and the result, was the snapping asunder of the chain which had so long fettered my every action as a Christian" Oh, what a thrice-glorious result! We cannot too much extol the riches of grace so wonderfully displayed in the conversion of *Anti-Chimney Pot*! Here was a miserable creature addicted to the "polluting and unbecoming" practice of smoking, a practice degrading to one who is the 'temple of the living God,' a practice which retarded the growth of his spirituality, a practice, too, which like a mighty chain, fettered his 'every action.' But the Omnipotent One interposed, and our brother of the *chimney pot*, being filled with irresistible grace, broke the chain with as much ease as Samson tore his green withes. The triumph of grace over tobacco was never more complete!

Having become such a miracle of divine grace, *Anti-Chimney Pot* can hardly be expected to keep quiet. Oh, no. He must tell other people what the Lord has done for his soul in the matter of tobacco, exhort wretched smokers to give up their evil practice. Listen to what he says—"I know that my experience has been and is now that of others, and if I could only induce some smoker upon whom the Holy Spirit has forced the conviction that the practice is not only polluting but, and as is quite natural, a great hinderance to the runner in the race for eternal life, to quit it at once and for all, I should feel rewarded for having addressed you on this very important subject, which was impressed upon me more and more, the other evening by the relation by a servant of God of a fact in connection with the conversion of a man whose conscience had been aroused under his preaching. That man, said the preacher, made many endeavours to lead a new life, (of course he went about seeking to establish a righteousness of his own) but as often failed. At last he came to his minister, to whom he confessed not only his failings

but also his profound conviction that he should not succeed until he had, by the help of God, conquered his love of tobacco. God did enable him to conquer it and the man is now a consistent Christian !”

Admirable ! The man could not be converted, he could not lead a new life, simply because he smoked. And wonderful to relate, the moment his love of tobacco was, with the help of the Almighty conquered, he became converted—that pernicious weed having stood in the way of his regeneration, and it is a matter of no ordinary satisfaction to learn, from the testimony of so competent a witness as *Anti-Chimney Pot*, that that convert “is now a consistent Christian.”

*Anti-Chimney Pot* now deduces inferences from the two facts he has just mentioned, the two facts, namely, the conversion of himself, and that of his friend, from tobacco. “I conclude,” he says, “I conclude, therefore, that the use of tobacco, except for strictly medicinal purposes, is, to say the least about it, *questionable*.” Oh, what a bathos ! Only *questionable* ? We expected the word, *sinful* or *Satanic*. He, however, immediately corrects himself—“If this be so the duty of the Christian is very clear inasmuch as “the appearance of evil” must some how or other be connected with a practice which the Holy Spirit condemns, as witness His whisperings to my own conscience and that of the person above alluded to.” “The Holy Spirit condemns” the practice of smoking ! Where is the proof of so startling an assertion ? Why, it is here —“as witness His whisperings to my conscience.” The delirious ravings of a brain-sick fanatic are to be regarded as the teaching of the Holy Spirit !

*Anti-Chimney Pot* has abjured tobacco, now he threatens to give up tea—“As regards tea drinking, I would only remark that should the Spirit of God at any time convict me of the impropriety of the practice, I hope for grace to forsake it at once &c.” Bravo, *Anti-Chimney-Pot* ! Your self-sacrifice is truly heroic ! Perhaps next time you will inform us that the Spirit of God has “convicted” you of the impropriety of sneezing. But seriously, does the *Lucknow Witness* suppose that the publication

of such blasphemous rubbish promotes the cause of religion and piety ?

*Anti-Humbug*

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## THE HINDU FAMILY

### CHAPTER VII

#### *The widow*

In a joint family, the position of the widow has about it a melancholy interest. From the moment of her lord's death, she is taught to lead a forlorn life. The Shastras enjoin upon her to abandon every comfort and desire. For the welfare of the manes of her husband, she has to live on one meal a day, and clothe herself so as to throw her personal charms to the utmost disadvantage. She abstains from fish and flesh, and every sort of delicacy, she cannot arrange her hair, or see her image in the glass. She must compose herself to sleep on a common matress, without the luxury of pillows or mosquito-curtains. She is made to fast periodically and perform penances too numerous to be specified. To the gods she must be devout, to the Brahmins reverential, and to her husband's relations meek and submissive. Had her life been one of self-denial for her spiritual welfare, there would have been some justification for it, but she is no more a religious ascetic than the *mater-familias* herself. With *mater-familias*, the household work is a labour of love. With the widow it is generally a task, imposed by a hard-hearted task-master. The widow is laden with so many unpleasant domestic duties that at times she groans under their weight. A widow in a joint-family is at once the kitchen-maid, a menial servant, a nurse, and a house-keeper. Her services in many cases are more strictly the effect of command than entreaty or solicitation.

In cases, where her services are commanded, it proceeds upon the principle that whoever eats at the family board must contribute his or her share of labour for the benefit of the family. To the credit of the widow be it said, that sometimes she works

hard from simple disinterestedness. Ask any native gentleman, whether his training, his education, ay, his life, was not intimately associated with the disinterested toils of a widowed relative, and he is sure to answer you in the affirmative.

Our moral and religious feelings act and re-act on each other, and this is exemplified in the case of the widow, when from a kind and loving relative, she is changed into a religious devotee, as she very frequently is. Religion is sweet to her, because it makes her oblivious of her woes. Religion is sweet, because it secures the welfare of the family she lives in. Religion kindles in her bosom the prospect of a re-union with her lord hereafter. It is these feelings which lead her to be pre-eminently religious. For her religious edification, she leaves her husband's hearth and betakes herself to the visitation of holy shrines. She goes to Benares, to Brindaban, and other places of religious interest.

For all her kind services, the treatment she receives from those she serves, is generally shameful. She is habitually made the victim of cowardly fraud and base chicanery. And the vilest pretexts are palmed upon her in the way of justification. Simultaneously with her husband's death she is stripped of her ornaments and jewels. Better protection or better preservation of them, for her future support and the commands of the Shastias, are pleaded in support of this inhuman course. The spoiler consoles her by saying that he would be her trustee, and would invest them on her account—a promise which alas, he never fulfills. If the widow has Government Securities the same nefarious practice is resorted to. Possibly *pater-familias* invents a tale of distress and takes the securities as a loan. It is painful to enumerate all the subterfuges adopted to deprive the widow of her effects, suffice it to say that in addition to the other woes and sufferings which her flesh is heir to, she is born to be fleeced outright.

It is treatment like this received at the hands of her near relatives and friends, that drives the widow to avail herself of the relief given by a Court of justice. In Court the widow is an unsparing litigant, and to her strenuous efforts which deserve



of a better cause is to be ascribed the ruin of many well-to-do persons. We have stated else-where how as a suitor the *karta* is disposed towards the widow, and we may here add that she returns the complement in kind though she is not so great an adept in forgery and perjury as her opponent is.

Pertinacious in her attack and defence when her adversary is her father-in-law or brother-in-law, the widow is all benevolence and charity to her spiritual preceptor and the Brahmins. It is her custom to adopt a Brahmin boy as her *Bhiksha putra* (charity-son), and he it said to her credit, that she rears him up as the child of her loins.

She celebrates for the welfare of her soul, many a *Vrata* (ceremony), many a *puyah* (worship), and in them her charity is open-handed. Brahmins and priests receive the lions' share of the gifts, but the poor are not wholly forgotten. She sometimes desire, to institute poor-houses, and such is her self-denial, that she would personally superintend the feeding of the poor for the whole day without taking a morsel of food.

To build temples for stray gods and goddesses, and to endow those already established, is another chief trait in her character. To defray the expenses of a Brahmin's son's education, to give a permanent shelter, are her favorite acts of benevolence. Though herself illiterate, she has ever been a friend of education. This the annals of English education in Bengal attest in the strongest manner. The names of Surnomoyi, Katyani, Sankari, Sarat-sundari, coupled with their princely endowments, still ring in the ears of every student who has passed through the college or university curriculum. All this on the part of the widow is very commendable. Our regret is that sometimes for want of proper counsel she is not discriminating in her acts of charity.

The Hindu widow has another passion which should not be overlooked. When separated from her father-in-law's family, she has properly speaking no affection for it, and if she have not a brother's son or sister's son, her affections take a wider area for their free play. Instead of being an affectionate relative, she becomes a philanthropic citizen, and she is seen to

erect a bathing ghaut here, a tank there, and other works for the welfare of the public. All this proceeds not for gratifying her desire of fame, but because she believes they would secure her spiritual welfare.

Such being the inner life of a Hindu widow, it strikes us that it is susceptible of considerable improvement. If she had been only educated she would never been so mercilessly fleeced as is her unfortunate wont to be. Had her religious faculties been properly directed, her charity would never have been indiscreet. Had she received better treatment at the hands of her relatives, her vindictiveness would have died within her for want of support.

However selfish may be the motives of her friends, in counselling the widow to live an austere life, it cannot be gainsaid that such life is in consonance with the commands of the Hindu Shastras. To the Hindu sages, nothing is so abominable as the sight of an unchaste woman, and if austerity was enjoined upon her on her lord's death, it was with a view of maintaining her chastity inviolate. Living as they did, in comparatively rude times, they had sufficient prevision of what luxury would effect in her, and if comforts and luxuries were interdicted, it was with a view of preserving her character immaculate. There is a considerable analogy between the sayings of these sages and those of the saints in the monkish times, as to the preservation of the female virtue, and all honour is due to them for their noble intentions and efforts. But the best of precepts have their moral force for a time, and what are revered as divine commands in one age are ignored in the next. Time was, when the widow would with the greatest alacrity ascend the funeral pyre that was consuming the remains of her husband. Time was, when she divested herself of all worldly concerns, and was seen to lead a life of piety and virtue. However unnatural the restraint which she put on her desires, she moved in a pure atmosphere. Religion stretched forth before her the prospect of Heaven, and re-union with her lord. The law of the land threatened her with disinherision, in case of her falling through, and the commands of a native prince were shaped accordingly.

But since then the scene has changed. The religion contained in the Shastras has lost its hold on the widow's feelings. Western civilization has brought in its train a host of luxuries too fascinating to be foregone. The empire has passed into the hands of foreigners with whom unchastity is only a civil wrong, and on the part of the widow is neither a crime nor a wrong.

The principle of once being vested the possessor cannot be divested, is in full swing. A comparatively lax state of morals among males has been engendered by a life of ease and affluence. So that if the widow now be not the fit successor of the widow in the primitive Hindu times, it is but the inevitable sequence of altered sociological causes.

The truth must be told, though we deeply blush to tell it, that widow unchastity has passed into a proverb, and is already an indelible stain on native society. It is this class of females, that support the crying vice of prostitution. It is this class which contributes its ignoble share in increasing the bulk of crime, crime of every shade and colour. Kidnapping, abduction, causing abortion, casting off foundlings, infanticide, murder and what not, are directly or indirectly traceable to them. Domestic discord, rupture between wife and husband, father and son, mother and daughter, are fostered by them.

To arrest these evils, the law sanctioning the re-marriage of widows, is certainly a great social boon, and all honour is due to those eminent philanthropists, who strove to break through the custom to the contrary. The present is neither the place nor the time to discuss how far the re-marriage of widows is consistent with the spirit of the Shasters. Great men have broached conflicting opinions thereupon. The great question is, whether it is calculated to arrest the numerous evils which native society labours under. To revive the days of Sutteeism and extirpate the widow-kind from off the face of the earth is impossible. To make widows nuns by force and terror of the law is absurd. Surely then, we must hit upon something to bring on a better state of things. That something is the re-marriage of widows.

*(To be continued)*

## SOURCES OF HINDU LAW

[ *Continued from page 431* ]

### THE MITHILA SCHOOL

Ancient Mithila was Kusha Janakpur, the kingdom of Raja Janak. It comprises now the district of Tirhoot, portions of the districts of Purnea, Bhagulpore, Monghir and Sarun, and also Muckwance. It is bounded on the north by the Himalayan forests, on the south by the river Ganges, on the east by the river Kusi, and on the west by the river Gunduk. But Mr William H Morley incorrectly says that Tirhoot is the ancient kingdom of Mithila. In local extent the Mithila school is comparatively the least of all the schools of law in India. The doctrines of the school of Mithila prevail not only in the district of Tirhoot, which name is corrupted from Tirabhakti, but also in the adjoining parts of Bhagulpore, Monghir, Muckwance, Purnea and Sarun. A host of lawyers of Mithila wrote a good number of legal treatises under the authoritative sanction of the ruling powers of the country. These works are held to be of greater authority than the Mitakshara of Vijnaneshwara in the Mithila school. The writers of the Mithila digests do not entirely discard the doctrines laid down by the famous author of the Mitakshara, but they have partially modified them in order to meet the exigencies of society. It cannot, therefore, be said with propriety that the tenets of the Mithila school are in every respect similar to those propounded by the able writer of the Mitakshara. It is true that the Mitakshara has been held by some writers on Hindu law and judicial functionaries as the chief authority of the Mithila school. But this is in direct opposition to the opinion of the two great scholars, Colebrooke and Macnaghten, who do not allow the Mitakshara to be the principal guide of the Mithila law.

The doctrines of the Mithila school coincide partly with those of the Benares school and partly with those of the school of Bengal. The principal authorities recognized in the Mithila school are the Vivada Ratnakara, Vyavahara Ratnakara, Vivada

Chintamani, Vyavahara Chintamani, Vivada Chandra, Madana Parijata, Dwaita Parishushta, Smṛiti Sara, Smṛiti Samuchaya, Śrīkara Acharya's Treatise on inheritance and Dattaka Mīmāṃsā. Of the abovementioned digests the last mentioned, as already described, dwells upon the topic of Adoption only. But the one immediately preceding the aforesaid two does not need any mention of the subject treated of it, as that is evident from the title of the work. The remaining treatises however treat of sundry topics of legal nature. Chandeshwara was the learned minister of the Mithila monarch, Hara Sinha Deva, who flourished in the first half of the fourteenth century after Christ. Under the direction and superintendence of Chandeshwara the Pandits of Mithila compiled the Vivada Ratnakara and the Vyavahara Ratnakara. He is, therefore, often cited as the author of the two works. He is also the reputed writer of many other tracts on law. In the Vivada Ratnakara the principal tenets of the substantive limit and terminal laws of the Hindus are defined and explained with clearness and precision. The same may be said of the Vyavahara Ratnakara which is devoted to the discussion of the topics relating to Adjective Hindu Law. The two digests are said to be the earliest compilations of the Mithila law.

The texts of the Vivada Ratnakara and Vyavahara Ratnakara have not yet been published or translated into English. But quotations from the former, which had been occasionally made by Jagannatha Tarkapanchanana in the Vivada Bhāṅganava, underwent an English rendering from the pen of Colebrooke. Vachaspati Misra, the well-known author of the Vivada Chintamani and Vyavahara Chintamani, is said to have flourished at Temoul in the district of Tirhoot in the first half of the fifteenth century after the birth of Christ.

The Institutes of Manu have formed the ground-work of the Vivada Chintamani. In arrangement the latter follows the former, but both are equally devoid of methodical arrangement. The Vivada Chintamani has been divided into eighteen chapters consisting of forty five sub-divisions. It treats almost of every topic concerning the mutual dealings and tran-

sactions of mankind. The essential doctrines of Hindu law expounded in the *Vivada Ratnakara* have been followed by the learned author of the *Vivada Chintamani*. Vachaspati Misra has also approved and followed the tenets of Vijnaneswara in many instances. The writer of the *Vivada Chintamani* is condemned by Jimuta Vahana for having laid down certain doctrines which he refutes boldly. According to some Bengal Pandits the *Vivada Chintamani* is of authority in the Bengal school on points which are not condemned or controverted by the *Daya Bhaga* and other law treatises respected in that school. In 1837, an edition of the Sanskrit text of the *Vivada Chintamani* by Pandit Rama Chandra Vidyabagish was published in Devanagari character at Calcutta. The late Honorable Prosonno Coomar Tagore, C S I, rendered an English version of the original *Vivada Chintamani*, and prefixed to it an elaborate and learned preface containing much useful and interesting information as well as a table of succession according to the doctrines of the Mithila School. An index is also given at the end of the Translation. The learned translator has rendered good service to the legal profession by presenting in an English garb a book of high authority in Mithila. But he would have undoubtedly more obliged the legal public, had he literally translated the treatise of Vachaspati Misra. The faithfulness and accuracy of the version have been thus questioned by Dr Goldstucker. "The translation of the *Vivada Chintamani* by the late Prosonno Coomar Tagore is often more paraphrastic than is compatible with an accurate rendering of the text." Tagore's version of the *Vivada Chintamani* was published in Calcutta in 1863, and re-printed with the Publisher's Preface at Madras in 1865. The text of the *Vyavahara Chintamani* has not yet been subject to any edition or translation. Lakshmi Devi, a learned lady of Mithila, composed many legal treatises in the name of her nephew Misaru Misra. Of all her compositions on law the most remarkable is the *Vivada Chandra* entitled after the name of the then regnant King Chandra Sinha Deva, grandson of Hara Sinha Deva. The doctrines of the *Vivada Chandra* have been followed in

many instances by the learned author of the *Vivada Bhargava* without any acknowledgment whatever. No edition or version of the Sanskrit text of the *Vivada Chandra* has yet appeared. Visheshwara Bhatta, one of the commentators on the *Mitakshara* of Vijnaneshwara, wrote a work on religious and civil duties under the title of *Madana Parijata* so called after Madana Pala, king of Digh, who probably flourished in the year 1875. The work contains a chapter on the law of Inheritance connected with the subject of obsequies. Madana Pala is sometimes cited as the author of the *Madana Parijata*. But Sir William Macnaghten designates the writer "Madana Opadhyaya." The *Madana Parijata* cites the *Himadri*, the *Smṛiti Chandrika*, and the *Sapararka*.

The *Madana Parijata* is often quoted by the name of *Parijata* only in the digests of the schools of law. The *Madana Parijata* is one of the works cited by the writers of the *Vivada Ratnakara* and *Vivada Chintamani*. It, therefore, seems to be older than the two digests. Occasional references to the *Madana Parijata* are made by the author Visheshwara Bhatta from his commentary on the *Mitakshara* of Vijnaneshwara. The Sanskrit text of the *Madana Parijata* has undergone no edition or version. Kesava Misra, a renowned philosopher of Mithila, is the author of the *Dwaita Pañishtha*, a treatise on law and other subjects. The original text of the *Dwaita Pañishtha* still remains unpublished and untranslated. Many *Smṛiti Saras* have been written by the lawyers of Mithila, and are still in general currency in the country. Sūdhara Acharya, who was a priest of the Dravida tribe, composed a work treating chiefly of religious duties and incidentally of law. This treatise is designated *Smṛiti Sara* or, at full length, *Smṛityārtha Sara*. It quotes from the *Kama Dhenu*, *Kalpa Druma*, *Kalpa Sutta* and *Pradipa*.

Harī Natha Opadhyaya is the writer of two concise treatises entitled *Smṛiti Sara* and *Smṛiti Samuchaya*. Yadavendra has written a tract under the title of *Smṛiti Sara*. Śrīkara Acharya, father of Śrī Natha Acharya Chudamani, wrote a tract in Inheritance. Both the father and the son were famous lawyers.

of the school of Mithila. The works of Śūdhara Acharjya, Hari Natha Opadhyaya, Yadavendia and Śūkara Acharjya, have not been printed or translated. The Mithila authorities are not often found to differ materially from one another in the doctrines of law. But where any such difference may be found, the majority of the concurrent authorities takes precedence over the minority of the dissentient authorities. The deficiencies of the earlier writers of the Mithila School have, however, been supplied in many respects by the more recent digests of the school. No lawyer of the Mithila school has been seen to cite from any other digests of Adoption than the Dattaka Mīmāṃsā and the current Mithila treatises treating of the same subject. Besides general digests of Hindu law, which have been noticed as the current authorities of the Mithila school, there is another work entitled Kalpa Taru which is reckoned as a Mithila authority. This treatise has been mentioned under the head of the digests known to the followers of the Bengal school. With the exception of the Text-Books and their Commentaries, the works, which have been referred to by the writers of Mithila, are partly the digests of other schools and partly the treatises which are not now specially received in any school of Hindu Law. The names of these treatises would not have been heard of, had no mention of them been made in the current digests of the Mithila school. The extant Mithila law books are probably the only works which make allusion to those treatises, but neither name their authors nor mention their contents and nature. Hence a description of the works is really not free from difficulty. The Mithila Digests, though numerous, are not severally comprehensive treatises on Hindu law for the solution of every possible question relating to the topics dealt with in them. But when they are collectively taken as a repository of the Mithila law, they seem to leave few questions undetermined. All of them are, however, rarely alluded to by the Courts which have to administer the Mithila doctrines.

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## MR GLADSTONE ON DR DUFF

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At an entertainment recently given in London by Mr W Pirie Duff to Dr George Smith, his father's biographer, Mr Gladstone made the following speech —

“It is, I believe, understood at this table that we are not now on the present occasion to go through the usual routine of toasts which distinguishes convivial assemblies, but you, sir, have conferred upon me what I feel to be very high honour, likewise entailing some due responsibility, in requesting me to undertake the task, which I very readily undertake on every ground except one—namely, that I have doubts of my own qualifications. But you have requested me to propose to the guests that you have assembled around this hospitable board, ‘The memory of Dr Duff’ I feel it would be vain and impertinent for me to endeavour to do justice to that sentiment. It opens a number of considerations of the profoundest interest and of a very wide range. The Rev gentleman who sits on my right (Dr George Smith), has already supplied us with most valuable materials towards forming an estimate of the distinguished and admirable man whom I have named, but his work is not yet completed, and even if it were completed, I should feel it to be wrong on my part to endeavour to convey even faintly to those who are here assembled, a fitting idea of its scope. The few words that I will presume to say to you will be words in some degree exterior to the personal character of Dr Duff. We are gathered here, not as the members of a particular Church or particular religious community, but at the same time I feel that our sympathies would not be, and ought not to be, altogether confined within the limits of those denominations or societies to which we may respectively belong. I confess for myself that, in viewing the present state of the Christian world, we should all adhere openly and boldly to that which we believe and which we hold, not exaggerating things of secondary importance as if they were

primary, and, on the other hand, not being ashamed of the colours of the particular regiment in which we serve, nor being disposed to disavow the secondary portions of our convictions. Having said that, sir, I may say that I have said it for the purpose of attesting, as I trust it will attest, the sincerity with which, upon this present occasion, I wish to bear testimony to the noble character and the noble work of the man whose memory I propose we should honour. Providential guidance and an admonition from within, a thirst and appetite not addressed to the objects which this world furnishes and provides, but reaching far beyond it, and an ambition—if I may so say—and an ambition of a very different quality from the commodity ordinarily circulated under that name, but something irrepressible, something mysterious and invisible, prompted and guided this remarkable man to the scene of his labours. Upon that scene he stands in competition, I rejoice to think, with many admirable, holy, saintly men, almost contemporaries of ours—contemporaries, many of them, of myself, and perhaps of the older members of this company. Proceeding from quarters known by different names and different associations here, but engaged in a cause essentially holy in those different quarters of the world, I am glad to think that from the bosom of the Church of England there went forth men like Bishop Selwyn and Bishop Pattison bearing upon their labours a very heroic and apostolic stamp. But I rejoice not less unfeignedly to recollect that they have competitors and rivals in that noble race of the Christian warfare, among whom Dr Duff is one of the most eminent. Among many such rivals we might name the names of Carey and Marshman, we might name Dr Moffat, who is still spared to the world. But we must recollect Dr Duff is one who not only stood in the first rank for intelligence, energy, devotion, and advancement in the inward and spiritual life among those distinguished and admirable personages, but who likewise so intensely laboured in the cause that he shortened the career which Providence would in all likelihood have otherwise committed to him, and he has reaped his reward in the world beyond the grave at an earlier date than those whose

earthly career is lengthened into a long old age. He is one of the noble army of the confessors of Christ. Let no one envy them the crown which they have earned, let every man, on the contrary, knowing that they now stand in the presence and in the judgment of Him before whom we must all appear, rejoice that they have fought a good fight, that they have run their race manfully and nobly, and that they have laboured for the glory of God and the good of man. Whatever account others might render, they at least have devoted all their energies to diminish the lamentable sum total of sins and sorrows in the world, and done something for their race and for eternity. It is an honour, sir, to you to bear the name of a man who holds so forward and distinguished a place in such a company. I could not wish a greater blessing, I could not desire for you a nobler succession, I cannot propose to you a more arduous task, than in expressing the hope that you may never fall short of the responsibility that name entails, that you may never—and that no descendant of your family may ever—give cause to say that he was unworthy of Dr. Duff. I have trespassed on your attention on this occasion perhaps more than is justifiable, but I feel that the task you have pleased to lay upon me was a serious task, as truly as I felt it to be an honourable task. We are standing upon a level somewhat higher than that of an ordinary festive meeting. I commend to your earnest, and I will even say to your devout, Christian sympathies the sentiment, the terms of which you have placed in my hands, and ask you to remember affectionately and reverently along with me the memory of Dr. Duff.”

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“CHERRY STONES”\*

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The author modestly calls these exquisitely beautiful poems *Cherry Stones*, in allusion, we suppose, to the cherry stones in Dromio's catalogue of trifles. But they are no cherry stones, they are honey-suckles, they are rose-buds. The author belongs

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\* *Cherry Stones*. By Greece C. Dutt, Calcutta. P. S. D. Rozario & Co. 1879

to the poetical family of the Rambagan Dutt, which have produced more genuine poetry in the English language than any other Indo-Aryan family in the world. He is one of the contributors to the *Dutt Family Album*, which was published some years since in London, and which won the admiration and excited the wonder of English critics. And the well-printed volume before us is no less a wonder. That educated natives of India should make long, and if you please, eloquent speeches in the Town Hall of Calcutta or elsewhere, is nothing wonderful, it is not wonderful if they write philosophical dissertations, historical essays, and antiquarian disquisitions, but the sonnets and miscellaneous poems contained in this volume are a wonder. The refined feeling, the delicate taste, the exquisite touch, the choice expression, manifest in every one of the pieces before us, are simply marvellous, considering that the poet is writing in a foreign tongue. The writer's taste seems to have fed on the cream of English literature, on the manna of English poesy.

As a specimen of Baboo Guisa Chandra Dutt's rare poetical powers we give the following exquisite lines on “Water Fowl” —

“ From the low hills that skirt these mighty meads,  
And more than rival in their loveliness  
The dreaming Indian's Happy hunting grounds,  
In boyhood's careless prime, I once beheld  
The wild fowl migrate 'Twas a cloudless morn  
In early spring, the sun had bathed in gold  
The dew-scented turf, and trees of giant girth,  
Whose gnarled trunks, deep scarred and scathed with fire,  
Raised by the neighbouring herdsmen to destroy  
The rotting leaves, and withered undergrowth,  
And clear the pastures for the early grass,  
Stood like grim warders of the lone hill side  
On which I lay,—a faint breeze stirred the leaves,  
When from the fens a mighty rushing sound  
Rose,—the precursor of a wedge-shaped host  
Of swans, and pelicans, and clamorous geese,  
White-collared teals, widgeons, and stately cranes

With flecks of vivid green upon their wings  
 Northwards the phalanx streamed, and soon the sky  
 Was hid as with a veil of glancing wings '  
 And from the grassy slope my wondering eyes  
 Could at one single glance, with ease, survey  
 Myriads of birds ' for hours and hours they flew,  
 With harsh shrill screams that echoed from the wood

It was a sight to fire with wild delight  
 A youthful heart I felt a keener joy  
 Than feels in far Caffrarian wilds the Boer,  
 (Lone tenant with his partner of a hut  
 And cherished garden 'mid the arid waste,)  
 At a "trek bokken," when the nimble deer  
 Sweep past his tiny farm, in such vast herds,  
 That to the welkin's verge the brown karroo  
 Seems a bright carpet to the gazer's eye

Long years have past of joys and griefs and cares  
 Since that spring morn of which I speak, yet oft,  
 When I sit silent in long winter eves,  
 And gaze upon the fire in listless mood,  
 To my mind's eye return in vision clear,  
 Those gnarled trunks upon the lone hill side,  
 That cloud of outstretched necks and restless wings '

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## HISTORY OF RELIGIOUS THOUGHT IN INDIA \*

[By Panch Kari Banerjea, B A , B L ]

In that very rude and imperfect state in which society originated, the human mind could scarcely so far enlarge its views as to draw conclusions respecting the universe, the people worshipped the visible objects of nature, such as the Sun, Moon, stars, fire, air and water. The sun was regarded as a beneficent deity and so was the wind. There was a god of plenty and a god of

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\* Paper read at the Hooghly Institute on 4th July 1879,

want, a god of health and a god of sickness. In short, the causes of light and darkness, of drought and rain, of the thunder, of the hurricane, of the earth-quake, which are all but natural phenomena, but on which, they considered, depended their weal and woe, were revered and worshipped. It is an undisputed fact that the manners, customs and religious ideas of a nation largely depend upon the potent influence of climate and natural objects in the midst of which they are destined to live\*. The snow-capped Himalaya, the transparent spring, the thundering torrent, the awful water-fall, the natural hot-spring, the mighty Banian whose wide-spread branches afford shelter to thousands of sun-burnt beings, the vast and dreary forests with their fierce and ferocious animals, the vast ocean with waves of mountain-like height, the high tempest, the pealing thunder, the dreadful earth-quake, the beautiful moon light night, the luminous starry heavens, all these natural phenomena engaged the eager curiosity of the Hindus and exercised magic influence upon their minds. Struck with amazement they deemed those objects and phenomena as living deities. They knew neither the real qualities of the objects of their worship nor the purposes they served in the economy of nature. Those ancient Aryans believed that those inanimate objects, like men, had shape, size, hands and feet, and were possessed of mental and moral faculties and all human virtues. They believed that their gods like men, roved from place to place, and were subject to hunger and thirst—actuated by jealousy and anger, they destroyed their foes—desirous of procreating children, they married and ran the life of a house-holder, and although the affairs of the universe are governed by one immutable law, the gods out of grace and love towards their votaries, granted their prayers and showered blessings upon them.

The ancient Hindus had faith in the existence of the next world. There are many passages in Ved Sanhita, which go to show what high hopes they entertained of the enjoyment of happiness, and what fears of suffering from misery, in the world

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\* Buckle's History of Civilization, Vol I, p 96

to come Man, weak as he is, has such a strong desire to live long and happily too, that nothing can satiate it Not being satisfied with the possible enjoyment of long life and happiness here, he cherishes fond hopes of enjoyment in future existence He hunts only after those pleasureable objects in this life—in dreams he sees them—he imagines their existence in the other world The history of other nations will disclose the same fact The Arabs describe their next world as full of those delightful objects that they see here The Mahammadans expect to find damsels of exquisite beauty, cool refreshing shades of trees and rivers of crystal water The ancient people of Norway and Sweden, who were very fond of war and devoted much of their time to pursuit of warfare and hostilities, passed their span of life in the fervent hope of enjoying the pleasures of war in the world to come A Hindu who lives a godly life, likewise expects all sorts of happiness in the heavens There is also a desire in him to pass his days there in the company of his near and dear relatives A passage in Atharva-Sanhita runs thus

স্বৰ্গ, লোকমতি নো নবাসি ন, জাবয়া সহ পুত্র নাম ।

Take us into the kingdom of heaven, may we live there in the company of our wives and children It is that desire which drove pious Hindu women to follow their husbands to their funeral pile It is that desire which impells Hindu parents to expect, after their death, to receive rice and water (*pinda*) from their living sons Although his parents may live in the heavens, still the filial love of a Hindu son does not cease, he offers funeral cakes for the satisfaction of his demised parents Unlike the lot of the pious, an impious Hindu is ordained to live in the region of eternal torment He is to pine away in insuperable difficulties and unspeakable miseries His tortures, his agonies, his heart-burnings, beggar description The word hell occurs in the Atharva-Veda but nowhere in the Rig-Veda

The Brahmanas and Aranyakas exhibit the second stage of the Aryan religion The Aranyakas are some of the chapters of Brahmanas They contain rules for the performance of religious rites and ceremonies They also treat of their efficacy অধিষ্টান,

দর্শপৌর্ণমাস, বাজপেয়, বাজস্থ, অশ্বমেধ &c the names of great sacrifices as well as those of other small sacrifices are mentioned therein. The performance of these sacrifices will entail on the performer great gain, such as children, riches, fame, cattle, learning and heavens. Although the Brahmanas and the Aranyakas are replete with descriptions of different sacrifices, yet there is no trace in them of the ceremonies named in the Purans and Tantras.

The chief characteristics of the Ved-Samhita epoch were —

(a) Prayers and offerings were made to the elementary deities for the purpose of securing material blessings.

(b) Worship was the expression of a child-like desire to gratify the national gods by offerings.

(c) The Brahmins were scarcely known as a separate community.

(d) The caste-system had not been introduced.

That age was emphatically an age of religious compromise. The Hindus made considerable progress beyond the first and lowest stage of human society. Their worship was an expression of fear at having sinned against deity and an attempt to appease his wrath by austerities and sacrifices. The old gods, however, were not set aside but were giving place to the three leading deities *viz.*, Brahma (the creator), Vishnu (the preserver) and Siva (the destroyer). The Greeks and the Romans did not reject their Jupiter and Mars, their gods of the mountains and rivers, when they rose to more comprehensive views of the universe, they only tried to accommodate to these primary conceptions, their new apprehensions and conclusions. In like manner, the Hindus have still their Surya, Chandra, Vayu, Varuna &c and a splendid catalogue of other gods. Other nations have frequently carried on the applause of *one* favourite deity, till they bestowed upon him alone all powers in heaven and earth. The Hindus have distributed the creation and government of the universe among three.

The Brahmins formed themselves into an exclusive ecclesiastical hierarchy, endowed with vast spiritual powers. They reduced the primitive classes to a rigid caste-system and converted



that system into an engine of ecclesiastical oppression. The people were now divided into four classes or castes, *viz*, Brahmins, Kshetriyas, Vaisyas, and Sudras. The three first were of Aryan origin and the Sudras non-Aryans. The black Dasyu (দস্যু or দাস) were in inimical terms with the fair-complexioned Aryans. They were the aborigines of Bengal. When they were completely subdued by the mighty prowess of the Aryan conquerors, they submitted and became slaves or servants. Unfortunately however, this slavery continues up to this time, and the term দাস is appended to the name of every Sudra who breathes the air of Bengal. What the plebs were to the patricians, what the helots were to the Spartans, the Sudras were to the Aryans. The Kalpa-Sutra and Smriti-Sanhita display the third stage of Hindu religion. The object of the Kalpa-Sutra has been to systematically arrange the principles and rules laid down in the Brahmanas and Aranyakas for the performance of rites and ceremonies. The Sutras have expunged all the needless and irrelevant matters of the Brahmanas and Aranyakas. The Hindus assert that these Sutras and other Shastras were framed by men, while the Mantra and Brahmana were prepared by God. The Mantra and Brahman are called Sruti. They are free from error. They are authorities themselves. The Institutes of Manu and the Sutras are called Smriti. They are authorities only to the extent they are based on Sruti. The portions that are inconsistent with Sruti, are no authorities. The Kulpa-Sutras are divided into three portions, the Sruta (শ্রুত) which treats of great sacrifices, such as দশপৌর্ণমাস &c, the Grihya (গ্রহ্য) which treats of domestic purifications, such as গৰ্ভাধান, নামকরণ, অন্নপ্রাশন প্রাক্ক &c, and the Samayacharik (সাময়িক) which treats of temporal duties, customs and politics. The Smriti-Sanhita forms a portion of the Sutras.\*

This was the age of social, moral and religious improvement. The people were already grouped into four classes (the sacerdotal, the military, the industrious and the servile) and the system

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\* The administration of Justice in British India by W. H. Morley, 1858, pp 207 209

of caste became thoroughly established. Each class had its separate functions which were strictly attended to, so that there were special ardent votaries in special departments of knowledge. Students who had been hitherto directed to study the Vedas and the commentaries thereon, paid attention to theology, logic, metaphysics and physical science. Civilization of an original and peculiar character grew up. Internal institutions became less rude. Laws and forms of administration were much improved. Learning was greatly honored, and the cultivation of it was even recommended to all classes. Talented and learned men devoted their head and heart to the acquirement of true knowledge of the being and nature of God. The Brahminical intellect much devoted to the ardent pursuit of ritualism, became awakened, as it were, from its dream of countless ceremonies to grapple with the deepest and most important problems of life. Manu, Atri, Marichi, Jajnyavalkya, Narada, Parasara and others,—the holy sages whose illustrious names have been immortalized in the legendary history of the Hindus, brought their highest talents to bear upon the production of Dharma Shastras. Of all the Dharma Shastras, Manu-Sanhita occupies the fore-most rank, it is regarded by the Hindus as next in sanctity to the Vedas\*.

Then arose the six ancient schools of philosophy, viz —

- (1) The prior Mimamsa, founded by Jaimini
- (2) The latter Mimamsa or Vedanta, by Vyasa
- (3) The Nyaya or logical school of Gotama
- (4) The atomic School of Kanada
- (5) The Sankhya or atheistical school of Kapila
- (6) The theistical school of Patanjali

Some of these schools are inconsistent with the religious doctrines of the Brahmins, and others advance tenets not mentioned in the Vedas.

The old Upanishads† got into being. Their authors were ardent votaries of truth in the field of religion and morality.

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\* Vyavastha Darpan by Syama Charan Sarkar Introduction, p. 4

† The number of the Upanishads has gradually increased to 154 see Journal of The Asiatic Society of Bengal, vol XX, pp 607-619

They were men of superior intellect and were the precious jewels of our country. The manner in which they have expounded the theory of the existence of the author of the universe, the procedure to be adopted for obtaining true knowledge of Him and the scope of true religion, unmistakably proves that their intellects received their last polish. Although the Upanishads are not entirely free from every possible defect (since science was then in its infancy), still there are such beautiful texts big with noble sentiments and feelings, as are capable of being understood only by the highest order of intellects of modern times. In the knowledge of the being and nature of God, the authors of the Upanishads were in possession of a light which was but faintly perceived even by the loftiest intellects in the best days of Athens.

“यस्यामतं तस्यामतं यतं यस्य न वेदसः ।

अविज्ञातं विज्ञानतां विज्ञातमविज्ञानतां” ॥

He who certainly thinks that God is unknowable, knows Him. He who certainly thinks that he has known God, has not known Him. The wise believe that God is unknowable. The ignorant think that He is knowable.

“नैव वाचा न मनसा प्राप्नुं शक्यो न चक्षुषा ।

अस्तीति ब्रूतोन्यात्र कथं तदुपलभ्यते” ॥

God is unattainable by word, mind and sight. One who says that God exists, knows Him. Otherwise how can others know Him?

These and many other texts will undoubtedly corroborate the fact of their having deeply contemplated on the nature and attributes of the Divine Being. The passages tend to show, however inquisitive mortal men may be in the acquirement of notions of the God-head, however great may be the march of intellect, whatever advances they may make towards reaching that ever-receding goal, their endeavours will prove abortive.

“All philosophy, ‘is an arch where through

Gleams that untravelled world whose margin fades,

For ever and ever as we move ’”

The Upanishads are those treatises from which has been

developed the Vedanta system of philosophy, which is considered by all orthodox Hindus, to be the **ब्रह्मज्ञान** or pure spiritual knowledge. The observances of ceremonies, *i. e.*, **कर्माकाङ्क्षा** which is accessible to all, are necessary as a preliminary condition in order to purify the mind and prepare it for the proper reception of sublimer truths, and the other systems of philosophy are relatively true, in regard to the student's degree of intellectual capacity.

During the latter end of this age, and probably at the dawn of Pauranic age, arose the Kshetriya thinkers to initiate a new movement in philosophy. The great teachers of the high knowledge contained in the Upanishads, were not Brahmins but Kshetrias, who now collected all their force to demolish the system of caste. The minds of the great men were awake to new ideas and there arose a great Kshetriya thinker in the person of Sakya Muni or Gotama who founded a new system of religion called Buddhism. This religion, an offshoot of Brahminism, and possesses more votaries than any existing religion. The followers of Buddhism do not acknowledge God as the Creator and Ruler of the universe, and one sect entirely denies the being of God. Most of the sects believe in the eternity of matter and include intelligence and design among its properties. The highest rank in the scale of existence is held by certain beings called Budhas, who have raised themselves by their own actions and austerities during a long series of transmigrations in this and former worlds, to the state of perfect inactivity and apathy, a state opposite to that of existence in matter. There have been many Budhas, the last of whom Gotama or Sakya revealed the present religion, about the 6th century before Christ. The Buddhists deny the authority of the Vedas and Purans, are not divided into castes, and have monasteries and nunneries. They carry their respect for animal-life much further than the Brahmins, they have no respect for fire and venerate the relics of their holy men.

The Jainas, another branch of Brahminism, resemble the Buddhists in religious tenets, but look upon God as so inconceivable in his nature that the human understanding is too feeble

to comprehend his perfections. They have division of castes, and admit the Hindu gods and worship some of them, though they consider these as entirely subordinate to their saints, who are their chief objects of worship and who are believed to have raised themselves by austerities to a superiority over the gods. These saints are called Tirthankaras, of whom there are 24 for the present, 24 for the past and 24 for the future. They have no veneration for relics, and no monastic establishments. The Jainas appear to have originated in the 6th or 7th century after Christ, to have become conspicuous in the 8th or 9th century, got to the zenith of prosperity in the 11th and declined after the 12th. The Jainas and particularly the Bouddhas appear to have undergone several persecutions by the Brahmins, in the south of India. In the 8th or 9th century, Sankara Acharya, the founder of the modern school of the Vedanta, refuted, persecuted and chased the adherents of Buddha religion. I should have placed the Jainas in the Pouranic period but as they hold an intermediate position between the followers of Buddha and Brahma, and their doctrines and tenets are much akin to those of the Bouddhas, I, for the sake of convenience, could not help placing them immediately next to the Bouddhas.

The Purans and Tantras exhibit the fourth phase of Hinduism. The Purans are 18 in number. They are the sources from which the present religion of the Hindus is drawn. They are regarded as the Scriptures of Hinduism rather than the Vedas. They contain its doctrines and precepts, together with theogonies, philosophical speculations, instructions for religious ceremonies, genealogies, fragments of history and many legends relating to the actions of gods, heroes and sages. They were composed by men who, though possessed of knowledge of the real character of the Divinity, did not disturb the popular belief in gods and goddesses. Those sages permitted the worship of the established deities representing them as so many symbols of the real Divinity. The aggregate number of gods and goddesses amounts to 33 crores. During this time the Hindu religion has undergone several important changes. There has been neglect of some of

the gods and the introduction of others. Mortals have been deified and worshipped. There has been an increase of sects, and the attempt to exalt individual gods at the expence of the others. There has been the use of a new ritual in lieu of the Vedas. The objects of adoration are no longer the same. The theism inculcated by the Vedas, has been supplanted by a system of polytheism and idolatry. The ten incarnations (*avatars*) of Vishnu are the principal objects of popular worship. In the conception which the Hindus have formed of the government of the world, the visible agency of the deity is particularly required for the preservation of the innocent, the destruction of the wicked and the establishment of virtue. Hence the necessity of those incarnations. The Hindu religion assigns great efficacy to sacrifices and religious austerities and the observance of the forms of devotion. The facility of expiating crimes by penances, is one of the principal traits of its character. Repeated transmigrations of souls in various hells for the purification of the wicked, and in heavens for the solace of the good, are believed in.

Several sects of polytheists have sprung up of which the five principal are the Vaishnava, Sakta, Saiva Soura and Ganpatya. The followers of Vishnu are Vaishnavas, those of Sakti are Saktas, those of Siva are Saivas, those of the Sun are Souras, and those of Ganesh are Ganpatya. The Saktas are the most numerous in Bengal. The followers of Chaitanya, who is believed to be the incarnation of Krishna in the iron age, are also numerous. Chaitanya was a great deified mortal who had the very highest objects in view, namely, breaking down caste and priestly tyranny.

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## RAMBHADRA, OR THE MOFUSSIL HAKIM

### CHAPTER I

Of all the streams which empty the bulk of the mighty Ganges, the Matabhanga plays no insignificant part in effecting the natural drainage of Lower Bengal. It shoots off from the main river at a point several miles below Rampore Beaulah,

and after a meandering course across a dead level, unrelieved by a single hillock, joins its force with that of the Bhagirathi or Hooghly. They call it the Matabhanga in one place, Howlah in another, and Churni elsewhere. The breadth of the stream is a trifle over a hundred feet. In the dry season, it is fordable, save where there are deep hollows co-extending with its bed and serving the purpose of large pools of water. Nothing can surpass the clearness and transparency of its water as it finds its way down after its wonted sluggish fashion, amidst the countless brood of aquatic plants. During the freshets, nothing can surpass the violence and rapidity of the stream, as it bears down with it uprooted trees, dilapidated huts, and masses of sand and loose earth. At the confluence of this river with the Iocha Mati, a few yards to the south of the Kissingunge Station, on the Eastern Bengal Railway, the landscape is charming. Here you might see the two streams meeting each other at right angles, about the middle of an extensive plain, hemmed in on all sides by fine trees, forming a natural amphitheatre of no ordinary beauty. The banks of the river are no longer high and precipitous, but gently slope towards the north, west and south.

Towards the south-west of the junction of the streams, stands a hamlet of somewhat historic renown. It is called Sibnibas, literally the abode of Siva that being the name of a Scion of the Raj family of Nabadwipa, who, if we are correctly informed, made it his country villa. The stream washes its feet with a never failing devotion. The outskirts of the hamlet are clothed with perpetual verdure, save where near the stream, there is a girdle of sand which at moonlight nights, is resplendent with diamond lustre. At sunset, the scenery of the place is glorious. The rippling of the waves the chorus of the birds on the branches of adjacent trees, the distant lowing of the herds, augment the silent solemnity of the place. Raja Siva Chandra selected this spot for his residence, that he might free himself from the bustle and turmoil of town-life and there live in rural seclusion.

The hamlet contains a few temples, built by the Raja and dedicated to his namesake, the God Siva of the Hindu Triad. There is to be still seen a colossal image of the god, worshipped by the rustics with their primitive devotion, lands have been endowed for the support of the daily worship, and for the support of the priest.

The place is mostly, if not wholly rural, and the bulk of the villagers, be their caste what it may, betake themselves to agriculture for want of a better calling. Their property consists of some heads of cattle, a few sacks of grain and corn, and some iron and brass utensils for the table and the kitchen board.

One might infer that society here is still in its primitive stage, and all the innovations which fashion has invented or science has explored have been to them so much 'love's labour lost'. The houses are merely mud-houses, thatched with hay, which the domestic quadiamana kindly left unruminated. Simplicity and plenty were with the villagers' household words.

It was in this obscure village, that there lived a man by the name of Balabhadra Singha. His father was a native of Meerut in the North-west provinces, and being a Kshetrya by birth, took delight in military tactics. In sooth, he fought bravely side by side with Sir Arthur Wellesley at the battle of Seringapatam, and was rewarded with a medal for his distinguished services. After the breaking up of the kingdom of Tipu Sultan, the services of this Kshetrya soldier were dispensed with, and he had to return to his native place in comparative disappointment.

True he had obtained his share of the booty, after the hubbub of the battle was over, but as it was not large, it helped him to get on for some time. Gradually, 'Fortune turned Turk' on him, penury began to stare him in the face, and he left his home in quest of service. At that time, the Raja of Nuddea was the first nobleman in Bengal. His high parentage, serenity of caste-honour, Croesus-like wealth, unbounded liberality, all combined to make him the respected of respecters, the adored of adorers. And truly, he richly deserved this splendid homage. He was a staunch patron of learning. He honoured the learned by making



grants of land to them with an unsparing hand To the poor his benevolence verged upon indiscretion

Such was the nobleman, who was looked upon by Balabhadra's father as his future saviour His stalwart frame, broad shoulders, undaunted bravery and soldier-like services, rendered him an object of interest to the Raja He was appointed the head Duiwan (porter), and on the close of his mortal 'career, was rewarded with a grant of 50 Beegahs of land in fee-tail, free of rent The lands are situated in Sivnibas, and there Balabhadra built a house on his father's death to enjoy the fruits of his father's faithfulness Balabhadra was in his father's life-time, a prince, for he was his father's only son So that instead of betaking himself to letters or to his ancestral calling, he indulged in smoking intoxicating drugs and in other vanity of vanities

At the early age of thirteen he was married to a girl named Anjana, daughter of a Zemindar's Tehsildar (collector of rent) domiciled in Kot-chandpur in the District of Jessore The union did not at first prove happy, for Balabhadra grew into a consummate libertine and Anjana into an imperious woman Many a lance had the couple to break in the Zenana, and the house would sometimes echo with the din of their conflict Every body apprehended a disruption, and this would have assuredly become an accomplished fact, had not their parents interceded 'The course of love never runs smooth' sings the poet, with truthful melody But it is equally true that the gloomiest night is succeeded by the brightest sunshine So from angry lovers, Balabhadra and Anjana were transformed into a comparatively loving couple He sowed a good deal of his wild oats, and she became less Amazonian So that in the course of five years or so, they became the parents of two children, a girl named Lalita, and a boy named Rambhadra, our hero Balabhadra felt himself extremely happy He was quite sure of the sacred fire his son would put on his face when he was dead and gone \*

He was quite sure that he would ere long see the face of his son-in-law and, what was better, that of his daughter-in-law

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\* Emblematic of the future redemption of his soul

But dame nature would not grant him these indulgences So that when our hero was only seven or eight years of age, Balabhadra fell ill and was without notice 'gathered unto his fathers' On his death Anjana's grief assumed a degree of violence, that is indiscrivable She cast aside her matrimonial appendages and went into mourning Every morning and evening she would pour forth her lamentations, and especially on festive occasions they became louder and more poetical Time is a great physician, and with its aid, her intense grief subsided into gentle and unobtrusive sorrow She thought upon her isolated and helpless condition, she thought upon the future of her infant children, she thought upon the important charge which she, as the surviving parent, was bound to execute Scalding tears would some times trickle down her eyes, as she thought upon these and a hundred other matters There was one consolation, *viz*, that which the radiant countenances of her boy exhibited It was a veritable sunshine in the gloom of her despondency and on this hope she smiled through her tears

“ Thus artists melt the ore of sullen lead,  
With heaping coals of fire upon its head ,  
In the kind warmth, the metal learns to glow,  
And loose from dross, the silver runs below ’

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THE

# BENGAL MAGAZINE.

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## THE HINDU FAMILY

### CHAPTER VII (CONTINUED)

#### *The Widow*

Before proceeding to examine the legal *status* of the widow and to enumerate the manifold restrictions put upon her in the free exercise of her right, it may be interesting to pause and enquire why the policy of law has at all given birth to them. They are so manifold and of such a diversified nature, that we are constrained to refer them to one grand principle, *viz*, the innate sense of man's superiority over woman. That this principle was at one period of the world's history, the universal creed of man, admits of no doubt. To this the Hebrew story of the first mother being made out of the rib of her lord is to be attributed. To this the abject subjection of the Hindu wife to her husband morally and sociologically is to be referred. The *patria potestas* was fostered by it, when it viewed her in the light of the patriarch's daughter, albeit she was his lawful wife. And if in the midst of the enlightenment of modern times such an opinion as the following is expressed, it is evidentiary of the principle under notice existing in us in a dormant state.

Speaking of the conditions of marriage, Auguste Comte says —“It is enough for our purpose to be assured that they will be consonant with the fundamental principle of the institution—the natural subordination of the woman, which has re appeared under all forms of marriage, in all ages, and which the new philosophy will place on its right basis—a knowledge of the

individual organism first and then of the social organism. Comparing sex with age, biological analysis presents the female sex, in the human species especially, as constitutionally in a state of perpetual infancy in comparison with the others,

Sociology will prove that the equality of the sexes, of which so much is said, is incompatible with all social existence &c.\* If the principle of man's relative superiority be not an inherent part of his constitution, it was certainly not a foregone conclusion of his. So far as physical capability is concerned, man's sinews have always been the chief instrument of aggression or defence. A Semiramis or a Joan of Arc or a Rani of Jhansi, is only a monstrosity, which does not certainly give food for a logical induction. Intellectually, it is man who has got a place in the Temple of Fame. Whether in science, literature or art, his genius has been prolific. By this, we do not for a moment speak disparagingly of the literary or scientific efforts made by women like Somerville or Lilavati or Harriet Martineau. In the cultivation of the feelings, the sterner ones have always been the work of man though the softer ones fell within the province of woman. If in the cultivation of the softer feelings, woman cut a brilliant figure, it is because she proved a loving wife, an affectionate mother, or a kind relation. As a member of society, man's services in connection with its progress and development are innumerable. Thus placed, what should be more natural than that man should domineer over woman? What is more natural than that he would be tempted to impose upon her right as a citizen restrictions and hindrances? If in civilized England, the *feme covert* should labour under many disabilities, what wonder is there that it should be so in benighted India.

At one period of the history of Indian law, the determination of the exact *status* of the widow was a task of some difficulty. Katayana says "Let the childless widow, preserving unsullied the bed of her lord, and abiding with her venerable protector, enjoy the property, restraining herself until her death,

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\* Comte's Positive philosophy, Vol. II, p. 135

after her, let the heirs take it ”\* Again—“ The widow is only to enjoy her husbands’ estate, she is not competent to make a gift, mortgage or sale of it And in Colebrooke’s Digest, Vol III, p 465, such an alienation is declared to be invalid ” Passages like these led Sir William Macnaghten to conclude that the act of alienation was void not only against the reversionary heirs of her husband, but also against herself† In other words Sir William in company with many other text writers thought that she was no more than a trustee of her husband’s property This opinion came to be questioned for the first time, by the judges of the late Supreme Court in the case of Goluckmoni Dabi,‡ and by a long course of decisions both here and in the Privy Council, it was held that she fully represented her husband’s estate, and had something more than a life right or the right of trusteeship Subsequently the doctrine was upheld in the plainest terms by Sir Baines Peacock§

We think that the law is as it should be It is difficult to say whether the Hindu text writers intended to confer on the widow higher honors than those a trustee has But whatever their intention might have been, it would certainly be a monstrous piece of injustice to identify the widow with a mere fiduciary looker on Though morally and socially the other half of her husband, she cannot in the eye of natural justice be deprived of the enjoyment of his property, that it may descend whole and entire to distant reversioners The effect of such an unjust law would be certainly disastrous upon society

A consideration of the widow’s *status* naturally divides itself into two heads,—

First That of her rights

Second That of her obligations

First She has a life-interest in the estate of her husband, whether it be his paternal or self-acquired property In the

\* Colebrooke’s Dayabhaga, chapter II, Section I, para 56

† Macnaghten’s Hindu Law, Vol I, pp 19, 20

‡ 2 Boulton’s Rep, p 193

§ Full Bench Cases Supplemental Bengal Law Reports, Vol I, p 51

matter of goods and chattels, her right is even subject to restrictions\* Her tenancy is neither in fee simple or in tail-female, but she is permitted merely to enjoy the property, during her life Enjoyment embraces the actual possession of the property, realization and appropriation of interest on funded capital or of profits, rents and other usufruct of land So that if the widow demand partition of the co-sharers of her husband for peaceable enjoyment of his share, she can have it at law Partition thus had is good during her life-time, but if prejudicial to the interests of the reversioners, it is a nullity as against them, unless they had given their consent to it

A widow has no power to alienate her husband's property by sale, gift or will If she does, the alienation is invalid, unless there was a legal necessity to support it Her personal maintenance, the education and rearing up her children, the marriage of her daughters, payment of government revenue, the performance of religious rites for the welfare of the departed soul of her husband, whether at home or abroad, and for preservation of the rank of the family, constitute legal necessity The burden of proving this necessity falls heavily upon the alienee, and unless it is proved the alienation is *ipso facto* void as against the reversionary heirs Where such a necessity exists, the alienation is good as against the reversioners also, the alienee obtaining an absolute right in the estate alienated In the absence of the legal necessity, the alienation according to the present interpretation of the law binds the alienor only It has been held in many cases, that a purchaser from a Hindu widow for reasons not allowable by the law, acquires no more than her life-right, and as such can not be ousted by the reversioners during her life-time From the above it follows as a matter of necessary inference, that alienation by the widow for other than allowable causes does not operate as a forfeiture of her heritage

The jealousy of the law is so great in the matter of the widow exceeding her powers, that it would tolerate the institution of a suit by the reversioners for a declaration that a particular alien-

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\* Supplement Bengal Law Report, Vol I, p, 48

ation by her was not founded upon legal necessity, and thus during her life-time\* The policy of allowing such declaratory suits was at one time questioned, and our courts were rendered apprehensive lest by encouraging such suits, they should throw the door of litigation wide open. But the apprehension has been got over and the law's settled *dictum* now is, that such a suit is maintainable where a cloud has been thrown on the reversioner's title—a *dictum* which the legislature have embodied in the Specific Relief Act recently passed. Where the question is as to the sufficiency of a widow's alienation, the *onus* of proving the legal necessity is on the alienee. Even the *bona fide* purchaser, for valuable consideration and without notice, whose right equity protects in other cases, is not here protected.

If a widow commits waste, a suit is maintainable by the reversioners against her to prevent it. The rule is that, subject to certain conditions, she has no right to interfere with the corpus of the estate, but can enjoy its profits only. It was at one time a disputed point, whether when a widow had added to the corpus of the estate from the savings of the profits, she could alienate the portion so added, but it is now settled that she could not. A widow cannot mortgage property for other than allowable causes, when such causes exist she is not restricted to it in preference to an out and out sale. If desirous of subletting, she cannot execute a permanent lease of her husband's property. In the case of creating large endowments, she labours under the same disqualification, however her desire to promote the spiritual welfare of her husband be strong. An endowment is viewed by the law as an act of waste, prejudicial to the interests of her husband's next of kin upon whom the right of succession devolves. But this is not all. Though it is her religious duty to seek for the welfare of her lord's manes, the widow is not competent to adopt a son, without a previous authority obtained from her husband. An adoption unsupported by such authority is bad in law. The widow is enjoined by the Shastrias to live in common mess with the members of her husband's family. But our courts

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\* *English Law Lectures*, Vol. I, p. 8



have construed this as a moral duty, which can not be enforced by an action at law. So that where the widow resides elsewhere, it is no bar to her inheritance.

It follows as a corollary from what has been previously stated that a widow has power to enter into a contract, and as a rule, her contracts do not go further than the extent of her own rights. Should she go beyond those limits, they are nudo facts as against the reversioners or their reversionary interests. A widow is quite competent to be the lawful guardian of her minor children, and the law would not overlook her right in preference to any next male friend. Under the old Regulation of 1793, a widow was considered as disqualified landholder, who required to be kept under the control of the Court of Wards. This Regulation is not enforced against her now, unless she proves to be morally unfit to manage her estates.

Secondly, the obligations which a widow has to discharge. They are either *quasi*-legal or legal. By *quasi*-legal we mean those which are founded upon the theory of spiritual benefits. For example, the celebration of the periodical rites and ceremonies for the spiritual welfare of her husband upon the performance of which her succession hinges. There are certain circumstances under which she is not entitled to celebrate them. These are her being stricken with leprosy, or being of immoral character. These defects render her legally unfit to be her husband's heiress. According to the Hindu sages, there are other disqualifications, but these have become obsolete. For instance, if she be addicted to drinking, or she be habitually ill, or be possessed of scolding propensities or cunning. Chastity during her husband's life-time and after is made the *sine qua non* of her right to succeed to and to enjoy his effects, and at one time was reckoned so by English judges in administering justice. Unfortunately for the Hindu Shastras a change has taken place now. A distinction is now drawn between widow-unchastity and wife-unchastity, and our judges consider the latter only as a disqualification. The old principle came to be questioned, I think for the first time, in the Bengal case of *Abheram Das vs Sreram Das* (3 Bengal Law

Reports a c 421), and it was held that unchastity in a Hindu widow did not divest her of property which had become vested in her, after the death of her husband. The Calcutta High Court in a subsequent case adhered to its former opinion, and if there was any doubt as to the correctness of that opinion, the decision of the Full Court in the case of *Keriy Kolutani*\* has set it at rest. At one time, the startling interpretation of the Hindu law put by the Full Court created a wide-spread sensation from one extremity of the country to the other. Orthodox Hindus shook their heads, and thought that the day of judgement was fast approaching to sweep away wicked man and his wicked institutions from off the face of the earth. Young Bengal looked patriotlike, turned up the whites of his eyes, and cursed the Honorable Judges for giving judicial sanction to a measure calculated to convert his widow sisters and widow daughters into immoral women. Meetings were got up to protest against the new law and the news papers teemed with letters and articles damnatory of its expediency. Now that the storm of indignation has subsided, and we are in the midst of a calm, it behoves us coolly look at the principal feature of the measure which was at the best an abused innovation. We do not propose to canvass the Hindu law to determine how far it favours the idea of quiet enjoyment of property and moral incontinence on the part of the widow. The task is altogether a hopeless one. Not to speak of the various and conflicting interpretations put upon this text and that text by authors and commentators, lawyers and judges, it is sometimes hopeless to separate the Hindu law as a code of laws from the Hindu law as a code of morals. Such a separation the Hindu writers never contemplated. As a code of morals, the Hindu law was much more respected in olden times than as a code of laws, and it was sacrilegious on the part of any King or Magistrate to ignore the moral portion. An infringement of a moral law was as much penal then as that of a municipal law. Looking therefore to the spirit of the Hindu law, and bearing in mind the constitutional aversion of the Hindus to immorality, it is extremely probably,

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\* Bengal Law Report, Vol I, p 13

may almost certain that the Hindu king would punish the incontinent widow with forfeiture of her heritage

When the the Hindu code was first ushered into existence, it was no doubt well adapted to man's social wants. The theological stago was then in its full vigor, and the mandates of law were esteemed as divine commandments which it was sinful to violate. Individual exertions and efforts were considered too weak for the acquisition of property and preservation of life. Kinships and clanships were necessary units of political communities, and were sustained with the greatest enthusiasm. Luxuries were unknown, and there was no yearning after them.

A native prince wielded the life and destinies of the people. Brahminical superstition had its secure hold on the feelings and affections of the people. Barring a few, the country was in a profound intellectual and moral darkness, and the archives of knowledge were closed against all who had the misfortune not to belong to the 'twice-born' castes. Woman was considered as the vile instrument for satiating man's carnal desires, and in order that she may remain the most servile of his slaves, she was made to abhor the Tree of knowledge as an unmixd evil, and to associate her lord's happiness by her exertions with the reward of Heaven.

These and many other circumstances were peculiar to the olden Hindu times, and very naturally legislation adapted itself to them. But now times are altered. Each and every one of those incidents has undergone change of a startling character. Society is in a state of transition, and in the place of the old theological philosophy, which gave a tinge of religion to the meanest and most insignificant of human duties and obligations, we have a matter of fact science perpetually undermining them, that society may rest upon a positive basis. The first principles of things are being questioned. Nothing intrinsically good or bad is admitted, and the science of utility interprets them from the stand-point of relativity. What with the progress of social and political philosophy, of the development of human resources, of man's thirst after the cultivation of arts and sciences, the old institutions of

the land are tottering to their foundations ready to fall with a terrible crash. This catastrophe would have long been an accomplished fact had not case-law supplied the *desiderata* of the *lex loci*. The Hindu law is so terribly Brahminical, that no judge with a spark of the sense of justice in him would apply it in its entirety to concrete cases and if that law stands denuded of its Brahminical proclivities at the present day the credit is due to English judges who have administered it, tempered with equity and good conscience. Tell an English judge that if a Sudra dishonour a Brahmin, the former loses his birth-right under the Hindu law, and you shall see what interpretation he puts upon it. The English judge has already drawn a line of demarcation between duties moral and duties legal, and it is only the latter that he is willing to enforce. In other words, what he is doing is just this—he is shaping the Hindu law to suit present times and present circumstances. Bearing in mind the transition through which native society and native institutions are passing, and fully alive to the influence of the enlightened jurisprudence of the present times, it becomes simply impossible for the European judge to administer Hindu law, whole and entire.

But to return to the celebrated unchastity case. Mr Justice Dwarka Nath Mitter, who took the position of an apologist for the Shasters and widow chastity, was constrained to admit that there was no special discussion on the point in the Dayabhaga, as current in Bengal. He seems to have relied upon the text of Vrihaspati, quoted by the author of the Dayabhaga, a text which makes chastity the condition precedent to succession. Another text from Vredha Munu (See Dayabhaga Chapter XI S I V 7) is susceptible of a similar interpretation. But after perusing the whole of the report of the case, we fail to find one text quoted which is directly in point. All the texts refer to unchastity being a disqualification when the widow's right to inherit first accrues, and not when she has become unchaste after inheritance being secured. But supposing that the texts quoted by Mr Mitter are in point, and they are applicable to widow unchastity alike, where is the provision that she is to be divested of the heritage?

A prohibition does not always employ a penalty, and if the Hindu law does not provide one, surely it is not for Hindu apologists to create it.

There is yet another phase of the law which awaits to be exhibited. For every shortcoming or vice the Hindu law has a particular penance. Who knows that unchastity is not an unexpiable delinquency? To say that it is not expiable would be venturing an assertion distasteful to the shades of the departed Hindu sages. If unchastity be expiable, must there be alternate disinherision and succession as the widow falls and rises, as she contaminates her lord's bed and shakes off by expiation her contamination? Such a proceeding would involve intricacies and complications to the detriment of ownership of property. The idea of keeping the succession to an estate in abeyance is foreign to Hindu law, but there must necessarily ensue such a state of things, were the doctrine of penances encouraged.

So much then for the law. If we turn our attention to the expediency of having the ruling which the majority of the High Court have enunciated, we cannot help being convinced that it is calculated to ensure the greatest amount of food. We have described elsewhere, the sort of litigation which the widow carries on with the *karta*, and the numerous disadvantages which as a litigant she endures at his hands. It is needless to reproduce it here. Suffice it to say, that if unchastity is established in five per cent of the cases, it is a monstrous falsehood in the remaining ninety-five. This lamentable result is borne out by the experience of all men having any thing to do with the administration of justice. For ourselves, we think it is far better that ninety-five unchaste widows should inherit than one chaste widow should lose her inheritance on a trumped up charge of incontinence. In concluding this branch of our subject, we cannot do better than quote the words which fell from Mr Justice Louis Jackson while pronouncing judgment in the celebrated case. He says —“ If, therefore, it be recognized as a rule of law by this tribunal (which constituted as it is to-day concludes and binds by its decision every Court of Justice in a province

numbering forty-two millions of Hindu inhabitants) that a Hindu widow forfeits by unchastity the estate which she has taken as the heir of her husband, then I apprehend, not only will a fruitful cause of domestic discord be largely extended, but a motive will be afforded, to say the least of it, for publishing and bringing in Court the most deplorable scandals That such a ruling will tend in any great degree to purity of life and manners, I do not believe, but it is likely enough to furnish a stimulant to perjury or to collusive proceeding equally nefarious "

Where the widow is not entitled to inherit, she must have, under the law, maintenance, and this is the duty of her husband's relatives and heirs. In some cases, it is difficult to determine whether this duty is simply moral or legal. But when purely moral, the widow must live in the family house, and dine at the family board. Widows, who are entitled to maintenance at law, may reside elsewhere. But if the separation be for purposes other than moral, maintenance can not be had. Living under her paternal roof does not disqualify her to recover it. But unchastity is certainly a serious disqualification, and it being proved, a suit for maintenance fails in a Court of law. It is doubtful whether subsequent unchastity would be a disqualification, when the widow had already been in receipt of maintenance, but the right being a recurring right, it is to become void whenever the disqualification becomes manifest.

The way in which a widow must be maintained depends upon the rank of the family she belongs to, as also upon the means which it can command. So that the rate of allowance is a variable quantity, liable to be readjusted whenever the above contingencies become varied. A right to maintenance as belonging to the widow, is not a right to property. Hence it cannot be attached in execution of a decree\* though a sum representing arrears for past maintenance can be attached as her personal property. In the case of a widowed and childless daughter-in law, our Courts have held, that the duty of maintaining her is purely a moral one. So that if her husband had died without leaving

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\* Act X of 1877 Sec 226 (1) .

any property charged with her maintenance, she cannot sue her father-in-law for maintenance. A Hindu widow is quite at liberty to relinquish her life-right in favor of the reversioner, and when such an occurrence takes place, the latter becomes to all and purposes, a full owner.

Where the widow remarries, her right in the property of her deceased husband acquired in the ordinary course of succession, ceases. The fact of the remarriage is in the eye of law, tantamount to her civil death. Barring the above, she does not, 'by reason of the remarriage, forfeit any property, or any right to which she would otherwise be entitled.' In the case of the childless widow, subsequent remarriage and issue by the remarriage do not render her capable of inheriting property, which she could not have inherited during her past widowhood.\*

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## SOURCES OF HINDU LAW

### 3 *The Benares School*

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The school of Benares not only prevails in the city and province of Benares but also extends over Central India as well as the tract of land lying along the seacoast between lines drawn from the town of Midnapore to the mouth of the river Hooghly, and thence to the town of Cicacole. This strip of land includes the province of Orissa. Of all the Indian schools of law, the Benares school is the greatest in local extent. The authorities preferentially respected in the school of Benares are the Mitakshara of Vijnaneshwara with its commentaries, the Viramitrodaya, the Madhovia, the Vinada Tandava, the Nirnaya Sindhu, and the Dattaka Mimansa. The Mitakshara is the supreme authority of the Benares school, and is also received in the west and south of India. On the extent of the authority of the Mitakshara the observations of Mr. Henry Thomas Colebrooke are appended

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\* Act XV of 1856. An Act to remove all legal obstacles to the marriage of Hindu widows.

below —“The range of its authority and influence is far more extensive than that of Jimuta Vahana’s treatise, for it is received in all the schools of Hindu law from Benares to the southern extremity of the peninsula of India, as the chief ground work of the doctrines which they follow, and as an authority from which they rarely dissent ”

With Vijnaneshwara has originated the Benares school which, from the time of the promulgation of the doctrines of the Mitakshara, has adopted them with no less regard The interpretation of the law as given by Vijnaneshwara, the great master of the Benares school, is defended, expounded and illustrated with ability by his followers, who are rarely found to differ from him on any disputed point

The writers of the Benares school are not so numerous as Mr Colebrooke thinks They are very few in number Four only may be principally named, and they are Vijnaneshwara, Mitra Misra, Madhava Acharya and Kamalakara Bhatta Both the Mitakshara including its Commentaries, and the Madhaviya, have already been described under the head of Commentaries The Dattaka Mimamsa has also been noticed among the treatises receiveable in the Bengal school The aforesaid works need not, therefore, be recapitulated in this place Next to the Mitakshara of Vijnaneshwara is the Viramitrodaya of Mitra Misra, son of Parasu Rama, and grand-son of Hansa Pandita It was composed under the patronage of Vira Sinha Deva, King of Bundelcund, who is said to have flourished in the beginning of the seventeenth century of the Christian era (1605 to 1627) during the reign of Jehangir, Emperor of Delhi The Viramitrodaya, as its name imports, is a work entitled after the combined names of the patron Vira and the writer Mitra It has been regarded by the Benares school as a high authority for a period of more than 250 years Generally speaking, the Viramitrodaya is an elaborate commentary on the Mitakshara of Vijnaneshwara, from which copious quotations are made by Mitra Misra But it does not profess to be a regular commentary on the Mitakshara In speaking of the Viramitrodaya, Mr Colebrooke



says —“ It will be sufficient to particularize in this place the Viramitrodaya before mentioned, of which the greatest use has been made, that compilation conforming generally to the doctrines of the Mitakshara, the words of which it very commonly cites with occasional elucidations of the text interspersed, or with express interpretations of it subjoined, or sometimes with the substitution of a paraphrase for parts of the original text All these have been found useful auxiliaries to the professed commentaries and glosses ”

The Viramitrodaya is an ample and very accurate digest of Hindu law, and exclusively dwells upon jurisprudence In the case of Giridharee Lal Raya *versus* the Government of Bengal, the Privy Council made the following remarks on the Viramitrodaya —“ Their Lordships have no doubt that the Viramitrodaya, which by Mr Colebrooke and others is stated to be a treatise of high authority at Benares, is properly receivable as an exposition of what may have been left doubtful by the Mitakshara and declaratory of the law of the Benares school ”\* The Viramitrodaya partakes of the nature of controversial writing It enters into a systematic examination of the peculiar doctrines of the Bengal school in opposition to the tenets of the Benares school, and confutes the former with boldness and independence This has been done with the view of maintaining the doctrines of the author of the Mitakshara which form the subject of strong criticisms of Jimuta Vahana and Raghu Nandana. Similarly, Mitra Misra boldly and freely criticises the tenets of Devananda Bhatta, which are opposed to those of Vijnaneshwara No modern author of eminence has, however, yet refuted the arguments of the learned author of the Viramitrodaya

Mr Arthur Steele, in his list of Sanskrit law books, mentions two works respectively entitled Weermitrode and Wynwhar-mitrode He describes them as follows —“ Weermitrode— By Mitramisra, a Brahman, composed about 600 years ago by order of Weersinh Raja of the Mithul country It treats of Wynwhar only and is of general notoriety ” “ Wynwhar-

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\* Moore's Indian Appeals, Vol XVI, p, 466

mitrode—By a Gour Brahman of Bengal, composed 200 years ago. It is a work of notoriety.” Though Mr Steele’s description of the first mentioned work is not quite correct, no doubt he means the Viramitrodaya of Mitra Misra. With reference to the Wynwhar-mitrode spoken of by Mr A. Steele, Mr W. H. Morley says, that the title of the work, which is nearly the same as that of Viramitrodaya, has been so disfigured by Mr Steele’s bad orthography as to be uncertain. But, from the description given by Mr Steele of the Wynwhar-mitrode, it is evident that the work is different from the Viramitrodaya of Mitra Misra. In 1815 an edition of the original text of the Viramitrodaya was published in the Devanagari character at Calcutta. A new edition of the Sanskrit text of the Viramitrodaya, by Pandit Jibananda Vidyasagara, B. A., Superintendent of the Calcutta Free Sanskrit College, was printed in the Devanagari character at Calcutta in 1875. This edition contains a copious index of the subjects treated of in the work. References to the numbers of the pages and lines of the book in which the treatment of the topics has been made are to be found in the index. The Sanskrit Viramitrodaya has not yet been entirely translated into English. Portions of the original work have already been rendered into English by the late Babu Nil Mani Sen and by Dr Buhler. The late Babu Nil Mani Sen, a Pleader of the Calcutta High Court, undertook to translate the whole of the Viramitrodaya into English, and translated an inconsiderable portion of the original work. The part translated was printed but not presented to the legal public. But the premature death of the translator stopped the progress of the translation. Dr Buhler translated into English the chapters of the Sanskrit Viramitrodaya “On a Woman’s Separate Property,” and caused the translation to be published in the Appendix to Messrs West and Buhler’s Digest of Hindu Law. Babu Golap Chandra Sarkar, Shastri, the translator of the Daya Tattwa, has undertaken the task of translating the Text of the original Viramitrodaya into English. By the completion of the translation and the publication of the same, he will prove himself serviceable

to the legal profession, and fulfil the object of his late lamented brother translator, Babu Nil Mani Sen

Kamalakara Bhatta was the son of Rama Krishna Bhatta, the well-known commentator on the Grihya Sutra of Paraksara. Kamalakara had an elder brother named Divakara Bhatta, and flourished in the beginning of the seventeenth century after Christ. A good number of treatises on various subjects was written by Kamalakara Bhatta. Among them are the Vivada Tandava, the Nirnaya Sindhu, the Sudra Kamalakara, the Shanti Kamalakara, the Dana Kamalakara, and the Prayaschitta Kamalakara. The Vivada Tandava is a work on Civil and Criminal Law according to the doctrines of Vijnaneshwara. Like the Viramitrodaya, the Vivada Tandava expounds and defends the tenets of the Mitakshara in opposition to those of the Bengal authorities. No edition or translation of the original Vivada Tandava has yet been accessible to the members of the legal profession. The Nirnaya Sindhu is also called Nirnaya Kamalakara. It is in three chapters, of which the first and second treat of the times for the performance of religious rites as well as of their influence on ceremonials, &c. The third chapter dwells upon initiatory rites, funeral ceremonies, impurity and other topics of a religious nature. The Nirnaya Sindhu has not much originality. It copiously quotes the opinions of the previous writers on the subjects touched upon. But frequent illustrations of the quoted passages and occasional introduction of argumentative discussions on points on which Kamalakara differs from his predecessors have been made in the Nirnaya Sindhu. Rarely have legal questions been discussed by the learned writer of the Nirnaya Sindhu. A commentary on the text of the Nirnaya Sindhu has been written under the title of Ratna Mala. An edition of the original text of the Nirnaya Sindhu was lithographed in Bombay in Saka 1779. In 1833 the Sanskrit text of the Nirnaya Sindhu was printed in the Devanagari character at Calcutta. The original Nirnaya Sindhu has not yet been translated into English. But the necessity of an English version of the work is in the opinion of the late Dr. Goldstucker unavoidable,

and the want of such a translation is exceedingly felt by the English-knowing non-Sanskritists who have to deal with the treatise in the administration of Hindu law

Of the authorities current in the Benares School, the *Mitakshara* is the most decidedly preferential, and forms the basis of the Benares doctrine. No Benares authority in direct contradiction with the work of *Vijnaneshwara* on any point is allowed to prevail over the latter. But where the *Mitakshara* is deficient, it gives way to the *Viramitrodaya* and to the works of *Kamalakara*.

Amidst the conflict of the *Viramitradaya*, *Vivada Tandava* and *Nirnaya Sindhu* on a question of law, the first takes precedence over the second, and the second over the third, in due order. But the deficiencies of any of the above-mentioned three treatises in making distinct provisions of law may be supplied by the others. The authority of the *Madhaviya* in the school of Benares may be safely relied upon in such instances as are not in radical counter-action with the predominant authority of the *Mitakshara*, or with that of any other treatises recognized in the Benares school. The *Madhaviya* is sometimes useful for explaining what has not been sufficiently or clearly expounded by *Vijnaneshwara* and other writers of the school. The *Nirnaya Sindhu* is greatly esteemed by the Benares scholiasts as of the highest authority in matters of religious ceremonies and rites. Occasional quotations are made by the dominant Benares authorities from *Bharuchi*, *Dhakeshwara*, *Jitendriya*, *Viswa Rupa*, and a few other writers whose works are not recognized as the immediate authorities of any particular school or schools. As the Benares school also extends over the entire province of Orissa, the authorities respected in the school are followed by the people of the country. In addition to the Benares authorities, the *Ooryas* have for their guidance the works of *Shambhokara Bajpei*, which are more consulted in matters of ceremonials and rituals than in those of law. Practically the works of the *Bajpeis* are not used in the courts of the country.

## RAMBHADRA , OR THE MOFUSSIL HAKIM

### CHAPTER II

‘ Is that you ? step in and let’s have a chat,’ said a husky voice, while gently handling a blowpipe

‘ I am sorry I cannot peep in just now, as I am going to the Patshala (indigenous school) and mamma will be awfully annoyed with me if she learn I am playing the truant ’

‘ Nonsense, you are now a pretty grown up lad, and at your age people ought not to be afraid of Mamma Besides, any excuse would satisfy her You know our women are very credulous, and if you say that your master made a holiday of it, she would not put any more questions to you That’s just the way to manage business with silly women ’

‘ No, that is not precisely what I wish to do,’ answered the second party, ‘ because I have told her fibs so often and for such paltry matters that really I am determined to mend for the future, and be a good boy ’

‘ Tush,’ rejoined the first party, ‘ you are too far gone to be able to retrace your steps As to being a good boy, why we are all good boys—though my age forbids me from being classed as such ’

‘ Loe,’ you are a good boy, a precious scamp of a good boy, old and wicked though ’

‘ Enough of your gammon, come in and let us have a smoke You can certainly be a good boy although you may smoke ’

‘ No, Mamma reproached me severely the other day because my breath smelled of tobacco, I have foresworn to have anything to do with tobacco at all She shed tears at the thought that my poor father was no more to check me, and she herself was quite powerless that way She said that the entire hope of the family rested on me, and I have made up my mind to realize that hope, so no more of your temptations Farewell !’

The person who was thus giving vent to his filial virtues

was no other than our hero himself. He had grown up into a fine boy, and at the time he was of fourteen years and odd months of age. Rather an old age for a boy in the village school, for his education commenced rather late in life, the reason being the untimely death of his father. While breaking away from the party who had interrogated him, and while hastening to receive his lessons from the pedagogue, Rambhadra revolved in his mind all that the wily tempter had told him. But scarcely had he proceeded a hundred paces, when, all on a sudden, the autumnal rain came down in torrents, and this circumstance made him retrace his steps to where he was accosted in the manner above described. Between this and the place where he was overtaken by the rain, there was no tree or other shelter to be had, and though our hero was quite unwilling to shelter his head under the tempter's roof, still there was no other alternative left than to take to the course which he adopted. He thought that if he was strong, his tempter's efforts would be of no avail. Besides, he reasoned, that what was written on one's forehead can not be effaced, and if it was Fate's ordinance that he would be so, there was no power on earth to make it otherwise. It rained heavily that morning, and Rambhadra had to stick to his place of shelter pretty long.

It was a low, sombre-looking hut situated in the outskirts of Sivnibas, standing right against the village road. The hut appertained to an outer compartment of the entire house separated from the inner by a square courtyard. In the inner compartment there were two thatched cottages and a low thatch fixed standing against the mud-wall. The thatched cottages were set apart for the accommodation of the females, and the low thatch was used as a cook-room. In the outer, besides the one we have already seen, another for a cow-shed and a screen made of bamboo-mats was put up to sever the two compartments. Near the street-door on the inner side of the threshold you could see a husking apparatus sometimes set in motion by a village housewife. The house was surrounded by a mud-wall five or six feet high and thatched on the top with hay. The inner com-

partment was dusted every morning with a broom-stick and dubbed with a solution of clay and cow-dung, which rustic hygiene is a good disinfectant. The hut in the outer was the workshop, you might see the hammer and the blow-pipe, the forceps and the file-bellows, charcoal and the water-basin lying pell-mell. A broken box, a cocoanut pipe a torn mat, one or two brass drinking vessels, a pair of old shoes, a wooden lamp-stand, a few earthen pitchers and pots nearly complete the furniture. The reader should be told that the owner of the house is a goldsmith by profession. He is a man of short stature, of slender make, verging upon his fifty-sixth year. His face was angular, the crown of the head bald, eyes sunken, cheek-bones projecting, and he perpetually wore a pair of spectacles tied behind his head by a dirty string that it may be a fixture on the nose. His eyes were reptile-like, looks sinister, a man of few words but always practical. His family consisted of himself and a widowed daughter aged forty, the other members had died out from the effects of a malarious fever which had prevailed in the village ten years before the date of our narrative.

Siru, for that was his name, was no ordinary man in the village, the young and old of a certain class frequently visited him, and when he was in the midst of them, he resembled Cato giving laws to his little senate. His legitimate trade was the goldsmith's, but he had other business to transact of a dark and mysterious nature, which the reader will presently know of.

When Rambhadra re-entered the goldsmith's workshop, Siru was busy filling a clay-top with tobacco and putting on it a few slips of red-hot charcoal with his small forceps. He then washed his hands, cleaned the pipe by means of a long probe, emptied the contents of the bubble and substituted fresh water in their place. In short he was addressing himself to the pleasant task of puffing out a draught of 'virgin smoke,' when seeing his friend re-enter, he exclaimed with great glee, 'So good lad, you have fallen back. A double visit is a double grace, and in honour thereof, here is the pipe for you and take your fill in this pleasant damp weather, when smoking is a genuine luxury.'

The pipe was handed over to Rambhadra who grasped it with half reluctance and half desire, not knowing whether to break again the injunctions of a loving parent Siru, in the meantime, assorted his implements, poked the fire that was smouldering in the furnace by means of a bamboo-poke, sprinkled water on the broken box, said his prayers, and began hammering a piece of silver on the anvil for making a tinket of it

‘ Good Heavens, you are not smoking, Rambhadra I see you are a moving enigma I suppose it is mamma’s command that deters you from smoking Out with such stuff of nonsense Command against smoking tobacco ’ it is simply preposterous Tobacco, young man’, continued he, ‘ is our tutelary goddess, in whom we should have unflinching faith To the poor she is the wealth of seven kings, to the rich she is nectar To the fagged and worn out, she imparts the sinews of Hercules To the distressed she is Consolation herself To the thoughtful she is Reason incarnate The entire globe with its hundred tribes is our beloved goddess’s firm votaries Some worship her in her naked form, others feat her with molasse spices and what not before worship Some prefer her most while she is in her diminutive shape of powder Look at the nature of the worship and the particular organs called into play therein, and——’ This burst of eloquence was interrupted by a loud knock on the street-door Siru’s countenance became somewhat pale as he left his workshop to answer the summons, leaving Rambhadra, a thorough convert to the cause which the goldsmith had so ably pleaded

In about a couple of seconds, Siru came back with a small bundle in his hand, and finding that his young friend was relishing the fragrant weed, congratulated him on his speedy conversion His looks became fallen and the palor in his cheeks increased when, with almost trembling hands, he put the bundle inside a broken box at one corner of the hut

‘ Who was knocking at the street-door, Siru ?’ asked Rambhadra

‘ A man from Kisengunge ’ was the answer, ‘ what is that bundle for ?’ was the next question ‘ There are broken trin-



kets in it, and the man from Kissengunge wants to have new ones made of them ' was the next answer

' Oh ' is that it ? But should the man come here when it is raining cats and dogs ? ' ' He set out from his place when the sky was clear, but in the middle of his journey he was overtaken by the shower that is now falling,' answered the goldsmith

' But you are very inhospitable to your customers, at such a time as this you should not have turned him out of doors ? ' remarked Rambhadra

The goldsmith looked confounded He did not know what answer to make to the boy's remark He felt something like a cold tremor coming on him He thought the boy had got an inkling of it as his questions were so many home thrusts So to divert Rambhadra from his interrogatory mood Siru filled the clay top with tobacco, and after putting it on the cocoanut-pipe, politely handed it over to him uttering the usual phrase ' so please you ' \*

Rambhadra while in the act of smoking was inspired by the goddess He revolved in his mind, what the goldsmith meant by bringing a bundle in that suspicious manner, why above all he dismissed the man while it was raining, and what on earth made him look pale and confounded Being endowed with a rare precocity, he put two and two together and arrived very near the truth when he exclaimed, ' Siru, I understand that bundle was an extra professional job of your's I had my worst suspicions about you, and now I find that they are not wholly unfounded '

The goldsmith saw that there was no use of concealing the truth, and so he wanted to take the boy into his confidence He patted him on the back with great fondness, said that Bala-bhadra Sing was a great friend of his, and he considered it his sacred duty to take interest in the well-being of his friend's only son, ' its for that matter ' said he, ' give it an understanding but no tongue The times are hard, and it is impossible to keep body and soul together by sticking solely to an honest calling

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\* A colloquial phrase meaning ' please smoke '

So there must be a ship here and a ship there ' Rambhadra considered himself somewhat endeared by the expressions of friendliness and somewhat disconcerted, thought it was no business of his to publish other's doings to the world

At this time, some fried paddy and cakes of molasses were brought in by the goldsmith's widowed daughter for her sister's refreshment The vessel which contained the refreshment was made of cane into a hemispherical form While it was being discussed by the two friends, a young lady aged about eighteen with handsome features suddenly thrust herself in, to the infinite surprise of the party She was tall and well developed in the contour of her body Her erect gait, light brown colour, lotus-like eyes, short forehead and long raven-like hair made her a truly interesting creature The muscles in her legs had become abnormally developed on account of their being constantly at the paddle, and the light brown colour of the face had become sunburnt for constant out-door work But there was about her an air of voluptuous languor

' Thank Heaven, I have at last escaped from his clutches Life has ever since been a burden to me, dull and monotonous, without enjoyment, I am now fated to breathe the air of freedom and that idiot of a husband —,'

Kokila, for that was the name of the young woman, was easing her mind of a cant load of thoughts, when, seeing Rambhadra sitting in the workshop, she bit her tongue, drew down the veil, and was about to beat a shameful retreat, when Snu came to her relief

' Why, my young woman,' said he, ' what makes you leave my place so abruptly There are only friends here As for Rambhadra, look here, though you don't know him personally, he is a sweet good-natured boy, and precisely one who will sympathize with you '

The woman stopped short not knowing what to answer There was a stranger in the room, thought she, though he was her friend the goldsmith's friend She felt however encouraged, and taking her seat on a mat, at one of the corners, with her

back towards the boy and face half veiled, remained for a while speechless

Siru took up the hammer, and under pretence of work revolved in his mind whether the boy should be made a confidante of the woman's secrets. In the matter of the suspicious bundle he has already been made a depository of secrets, and why not repose in his confidence yet more. Making up his mind what to do he said,——

‘Rambhadra, this young woman is the wife of Kuchil gorai, an oil-manufacturer, whom I suspect you do not know. Kuchil is a man of substance, but it was foolish of him to marry a young woman like her, pointing to Kokila, when he was so far advanced in years. Her parents sacrificed her for love of gold, and here you see the unhappy consequences. Her husband's home has been her grave. He is a corpse to her. Her youth and charms have been so many vipers to her, and she has come to me to ask whether it is advisable for her to leave her husband for good.’

Rambhadra's face became pale as a sheet,—could this woman be serious? and was the goldsmith a man or a fiend in human shape? His first thought was to rush out of the house to proclaim his rascality in the streets and to apprise the woman's husband of her intended movements. He looked at the goldsmith's face and it was business-like. He tried to have a glance of the woman's face and saw her eyes radiant with the lustre of triumph, evincing first resolution. For him to proclaim the goldsmith's rascality was, he thought, a measure of rashness. For who would believe him? and worse than that, his mother would be sorely annoyed if she came to know that he was playing the truant at the goldsmith's, identifying himself with all sorts of dirty matters. But his stoicism melted away when a second glance at the woman revealed to him a pair of smiling eyes, even teeth and smooth forehead which, though young he was, he could not help admiring. A third glance at her quite unmanned him, and he determined to hold his tongue.

Kokila by this time had almost divested herself of her bashfulness, and addressed herself to continue her tale. She freely

gave out that she had taken a fancy for Bangshi, a nephew of her husband's, a young man of five and twenty, to give herself up entirely to him and to sojourn in a distant land in his company. Then she squeezed out a few tears from her eyes, and exclaimed "Oh fate, this hast thou written on my forehead! would that my mother had nursed me with salt, that I might not have seen this evil day! woe to my seared forehead!"

SIRU consoled her as much as he could, hoped that things would not turn as bad as she feared, assured her that her intending partner was a good man and honourable—and wound up by saying that for a married woman to lead the life of a widow was absurd.

This latter sentiment Kokila greatly relished. She smiled through her tears, thanked the goldsmith for it, and rose to depart when the goldsmith complemented her by saying, 'so, Kokila, you are tired of your husband's rice and meat to lunch henceforth'\*

By the time Kokila departed, it had ceased raining and Rambhadra was about to quit his retreat, when SIRU prevailed on him to have one more pull at the pipe. It is discourteous to decline, especially for a beginner, so the moment Rambhadra took the pipe to apply it to his lips, who should drop in but Shyamdyal Sing, the first money-lender of the village. Shyamdyal was an elderly man before whom for a boy to smoke was most disrespectful, so while in the hurry of the moment, Rambhadra was putting it by, the clay-top tumbled down spilling its fury contents on the mat where he sat, and on his clothes. Rambhadra became at this all confusion, partly at being detected in the act of smoking, and chiefly for having cut an odd figure. His embarrassment lasted for some time, and ere he was on his legs to get away, the money-lender's large eyes fell on him, and ordinary courtesy prevented him from taking a sudden departure. 'So, young man, you are playing the truant at the goldsmith's, and doing things which a boy should not do, however. I am not going to inform

\* A slang expression in Bengali, meaning to go astray

your mother of it,' said Shyamdyal with a half indulgent and half reproachful tone

Rambhadra could not utter a word in reply, for was not the questioner of his father's age, and was he not a ruling elder of the village ? and are not all elderly people viewed with awe and reverence by the rural brats ?

"You need not look confused like that "In our days, we played the same game," was the ready assurance given to the boy culprit Then turning to Siru, he said 'old man, I have come here wading through water and mine that you may do me a piece of service' Siru was heating a piece of silver in the small furnace with the bamboo blow-pipe, he lifted up his eyes to assure himself that he was the party addressed and asked "

' Me ?'

' Yes, you Who could it be else ?' was the rejoinder

' That d—l of a debtor, you know whom I mean, repudiates my claim He wishes to have fought out in Court, the fact is, the loan I advanced to his father some years ago is not secured by any thing in writing, and this has emboldened my adversary What I think of doing is just to have the difficulty removed I would incur any expense, but you must put me in the way of doing it '

The goldsmith ominously shook his head and exclaimed

' Impossible ! the times are bad,  
and the law very severe '

' Nonsense, it is only the simple and ignorant that are afraid of the law But you and I are pretty old birds to be caught in its traps Away with your dodges, I understand what you are driving at I suppose you don't wish to have it done cheaply But here is the earnest, and I will fully requite your pains when affairs look tidy ' Thus saying, he placed in the goldsmith's hands a fifty Rupees note

The recipient smiled through his spectacles, but a crimson hue suffused his countenance while he looked at the note and put it into his broken box He bowed to his munificent donor and said that he would always remember him as his kindest patron

He bowed again, so that when Shyamdyal was taking his departure, his ears echoed with the words,

‘I am entirely yours    What I have is yours’  
—even the food I eat is yours—’

It was verging up on eleven o’clock in the morning, when the smith’s daughter came to inform him that it was high time to bathe as the breakfast was nearly ready. Rambhadrā was struck at the announcement that it was so late, and without any further ceremony wended his way to his house.

“The canker galls the infants of the spring,  
Too oft before their blossoms be disclosed,  
And in the morn and liquid dew of youth,  
Contagious blastments are most imminent.”

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## THE ISMS IN A NUTSHELL

*By A Hindustani*

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No portion of Scripture history has evoked such a large measure of profane merriment in the republic of infidelity as that in which the first act of human transgression is simply and solemnly related. The Scripture narrative of the Fall has been denounced as ludicrously childish, and its various elements have been held up to ridicule with impious mirth, if not with savage malignity. It is however the most coherent, consistent and rational account extant of the event to which the disorders and anomalies both of the physical and the moral world are to be traced, and its simplicity, beauty and sublimity are a *prima facie* evidence of its genuineness and unimpeachable accuracy. We have only to compare it with the grotesque and wild stories, which have evidently been evolved out of it by a prurient imagination, to be satisfied that it presents the gold of history un-mixed with the dross of mythology and fable. The genuineness of the narrative is manifest in the fact that it repeats itself in

every act of human transgression,—is reproduced whenever a commandment of God, positive or universally obligatory, is trenched upon or violated. It embodies in an embryo form every act of human transgression by which the world has been cursed since the melancholy fall of our first parents, or rather it incorporates in itself the germs of all the acts of sin and iniquity which make up so big a chapter, if not the totality, of the history of the world. Nay, it concentrates in itself the principle, not only of all sin, but of all error, not only of all the aberrations of the heart, but of all the vagaries of the mind. It presents in an embryo form, not merely every act of transgression by which the world has been cursed, but every form of error by which men have been led astray. It is not at all difficult to show that the germs of the prominent *Isms* of the day, its Rationalism, and Pantheism, and Materialism, may be discovered in the first act of human transgression, of which the Scripture account is of all accounts the most rational, the simplest and sublimest.

Man's first act of disobedience has been represented by infidel writers as a very light thing, the infringement of a positive precept, not the violation of the moral law, the eating of a fruit which could not have exercised a demoralising influence, not an act of rebellion which might result in moral degradation. But it was by no means a light affair. It involved disbelief of God's love, self-apotheosis, and gross sensualism, the principles in short to which all the ghastly forms of spiritual and mental error, which stand out in bold relief from the page of history, sacred and profane, are to be traced. Adam first of all presumptuously called in question the goodness and love of God. His enjoyments in the garden of Eden were limited by one restraint, and the object of that prohibition was his own perfection. He was constituted a free agent, and his obedience must be the result of his free choice, not that of a blind impulse of his soul, ere he could reach the goal of his being, or ere his nature could be perfected, and the happiness of which he was capable secured in all its entirety. A trial was demanded by the principles of the constitution he had received from his Maker, and the trial which

found him wanting was fitted to perfect his nature, complete his happiness, and raise and exalt him in the scale of being. He however looked upon it as an act of gross tyranny on the part of God,—an act of tyranny fitted to deprive him of desirable enjoyment, check his natural development, and humiliate him. He distrusted the love of God, and looked upon Him as a cruel tyrant, determined to check his progress, degrade his nature, and diminish his happiness. And so he presumptuously set aside the only prohibition by which his almost unbounded enjoyment was restrained. And to-day when men sin, they are first of all guilty of presumptuously and wickedly calling in question the goodness and benevolence of God. Again, Adam made up his mind to do without God,—to extricate his own affairs from the control of God, and place them under his own guidance. He made himself his own God! Was this a light affair? He moreover plunged himself into the abyss of sensuality,—refused to listen to the still, small voice of his conscience, cast his person overboard, and allowed the lower elements of his nature to dominate over the higher! This certainly was not a light affair. Disbelief of God's goodness and love, self-idolatry and gross sensualism, were involved in the fall of our first parents, and these elements have constituted the essence of all the innumerable sins by which the history of the world has been disfigured and rendered ghastly.

Now, disbelief of God's goodness is the soul of Rationalism. The Rationalist speaks in glowing terms of praise of the goodness of God, of that goodness which is stamped in the collocations of nature and the dispositions of the laws in operation behind its veil. But all this is meaningless talk. The Rationalist does not believe in a superintending Providence, in what has been called God in History. He laughs at the Old Testament, because in that remarkable work the affairs of an insignificant nation, both great and small, are represented as guided, controlled and disposed by God Himself. The idea that the Lord God of the heavens and the earth would hear the prayer offered by Abraham's servant by a well of water without the city of Nahor,



or that the Almighty would guide David in his petty wars with certain tribes of the Canaanites by supernatural revelations, or that the King of kings would direct the smallest affairs of the Jewish people by means of miraculous interventions, appears to him ridiculous, and he never lets slip an opportunity of making it the butt of his profane sarcasms. He dwells upon what he calls the loftiness and magnificence of God, and represents Him as too great to take notice of the petty concerns of this world. His creatures may pine away in sickness, groan under calamities, or die amid the horrors of starvation, but then sufferings cannot move His sensibilities or shake Him out of His elysian repose. He is Great indeed, but His goodness does not correspond to His greatness. The Rationalist doubts God's unwillingness to help him in times of trouble, to relieve him in distress, console him in sorrow, or guide him out of the snares in which he finds himself entangled, and consequently he disbelieves in God's goodness and love. Nay, the Rationalist has arrived at the very consoling conclusion that God *cannot* help us. God is, properly speaking, not the God of this world, the God of providence, the omnipotent ruler of the heavens and the earth. He did create the world, or at least He may be, in deference to prevailing prejudices, represented as its Creator, but He can only by courtesy be called its Ruler. He created the world, if He did create it, made it over to the management of a number of blind laws, and thereby completely resigned all power and authority. And now these hard, unfeeling and inexorable laws rule over us, and inflict upon us famines, pestilences, earthquakes, cyclones, and so long as we simply sigh and cry and groan under these calamities all is right with us, but the moment we look up to heaven for a little help, a little deliverance, or a little sustaining grace, our rulers and their representatives, the rationalists laugh in their sleeves at our stupidity. But our kind governors do not leave us untaught inasmuch as they occasionally raise up great men, who like our illustrious countryman, Babu Keshub Chandra Sen, teach us that God does not guide us in our earthly or domestic affairs, except when marriage alliances have to be

effected with young maharajahs, that though He can not possibly pardon sin, He does condescendingly take it upon Himself when committed by a devotee, who has completely resigned his own will and lost his individuality, and that, as one religion is scarcely better than another, and all have a theistic basis, all men, whatever may be the diversity of their creeds and whatever may be the character of their lives, will ultimately find rest for the soles of their feet—heaven only knows where ! The truth is rationalists, theists, Brahmos, and all who believe in the inviolability of the laws of nature, and at the same time talk glibly and loudly of the goodness of God, speak nonsense. The soul of their religion is disbelief of the goodness and love of God, the source of that primal transgression which brought death into the world and all our woe.

Self-idolatry, the second feature of Adam's transgression, is the soul of Pantheism. Rationalism develops by what may be called a necessary law into Pantheism. Rationalism brings forward a God who does not deserve to live, a God who does not rule over the world, and can not possibly help, a God who is something like an abstract idea lying in a state of lifeless quiescence behind active laws and living powers. Reason says—let this passive, lifeless, worthless idea go ! and Rationalism after dandling it for a time gladly lets it slip out of its hands. The laws of nature, which govern the world and control all realities dead and alive, become its God, or take the place formerly occupied by an abstract idea rather than a living personality. The laws of nature, its forces and powers must be unified, or we have gods many and lords many. The process, however, of unification is by no means very complicated. Science speaks of one primal force of which all these are but varied manifestations. This primal force then becomes the God of Rationalism, after it has given up its own powerless, inert Divinity, and glory be to the principle of evolution—under its influence this original power of nature comes to consciousness in man, thus verifying the description of this potentially great *It* given in the Rig Veda. The pantheist is his own God, and of course all the

impulses of his nature are divine. Incontinentness is an attribute of God as decidedly as chastity of thought and disposition, avarice is as decidedly commendable as perfect disinterestedness, and love of purity and love of vice are one and the same thing! Let man be his own God, and him guide himself, and these are the blessed conclusions at which we will arrive, and which we will hold up and promulgate with a vengeance.

And lastly, sensuality is the soul of materialism. Pantheism and materialism are one and the same thing, belief in nature being the corner-stone of both the systems. The one holds up nature as a spiritual substance, the other represents it as a material substance. This at first sight appears a great difference—but when explanations are exchanged and fundamental truths are brought to light, it melts into thin air. The spiritual substance in which the pantheist believes existed at first in a material, unconscious form, and had to be raised to consciousness by the magic law of evolution. The material substance of the materialist has also been raised by the same principle to consciousness in man and to sublime might into realities in scientists. If there is any difference between these two systems, it is that while the one talks in pure poetical language of the one, all pervading, all observing Deity, the other casts poetry overboard, and recognizes nothing higher than atoms and molecules. The creed of materialism is a creed of negations, no God, no virtue, no vice, no heaven, no hell, no sin, no short-coming. Therefore its grand teaching is, eat, drink, and be merry, for to-morrow we die! It is sensuality formulated, embodied, codified, crystallized. The sin of Adam is not an entity to be laughed at or represented as a matter of very little consequence. It embodies the principle or essence of all sin, moral and intellectual, and in it we see the grand Isms of the day in a nutshell.

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## THE INFLUENCE OF THE UNIVERSITY SYSTEM OF EDUCATION ON NATIVE SOCIETY \*

[*By Ram Gopal Ghosh, B A*]

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Every one is aware that the system of education, introduced into the Calcutta University, is reproachfully called the cramming system. The university is compared to a machinery which annually yields a large number of young men who are said to be educated, into the nature of whose education it is our present object to inquire. In order to carry out this inquiry, I should make a few preliminary remarks on the text-books which are annually chosen by the syndicate for the use of students and which, therefore, form the basis on which their acquirements mainly rest.

Every one is acquainted with the fact that the syndicate is composed of a body of men whose talents and abilities few would venture to question, and to whom, therefore, is entrusted the task of selecting text-books for the use of schools and colleges. But our admiration of this learned body ceases the instant we cast a glance at these selections. We are at once struck with surprise to find how utterly unfit these selections are for the intellectual culture of those for whom they are intended, and how deeply ignorant the authors of these selections are of the powers and susceptibilities of the young students. Portions from Adam Smith, De Quincey, or Lamb, and other specimens of compositions which are models of elaborate workmanship, and difficult poems from Byron, Wordsworth, Shelley and others, are sometimes chosen for boys going in for matriculation and not yet out of their teens, and works like Napier's *Peninsular War* and Drinkwater's *Siege of Gibraltar*, which are useful only to a military student, and such poetical selections as are chiefly intended for juvenile readers, are considered as fit subjects of study for grown up men—candidates

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\* A paper read at the Hoochly Institute on 1st August 1870.

for the degrees of B A and M A Taylor's Manual of Ancient History, which forms a part of the First Arts course, is another book which is a mere collection of dry facts with which the students are required to burden their memory in order to pass through the ordeal of an examination Yet it is a favorite text-book, which for the permanent tenure it holds, was once justly condemned by a humorous critic as a "fantastic hydra always up-rearing its heads" And what is still more ridiculous, these selections are, sometimes, said to be made at the pleasure of Messrs Thacker, Spink and Co, who having failed to dispose of all the copies of text-books for a certain year, prevail upon the syndicate not to order a new course until the old ones are completely exhausted The First Arts course for 1862 and 1873 may be referred to in support of this statement But as it is hardly necessary for our present purpose, to push the inquiry further concerning the nature of these text-books, I shall try to form an estimate of the nature of the education which the university affords through the medium of these books, and of the influence which such education exercises upon the present state of Hindu Society

I have said before that the education of the graduate, or in other words, the education imparted by the university is based upon text books most heedlessly selected The student is required to go through several of these books for a term of years, during which time he summons all his energy to get by heart the notes given him by his professor, which he considers as the most precious treasure that one can have During the hours of study at college, he is always ready with his pen and paper on which he takes down the notes dictated by his professor, and he who is most successful in performing this part of his duty deems himself the most fortunate of all His note book, in short, is like a "conjurer's bag that supplies him with all he wants," and in the course of his study at home he finds in it every thing explained which, it would otherwise have cost him some efforts of the brain to understand I need scarcely add that he who is most successful in committing these notes to memory usually gets a very high place in the examination The graduate is thus formed out

of a system of education that pays exclusive attention to the teaching of words and phrases, but never to the development of thoughts and ideas. Composition is seldom attended to, and if, perchance he is called upon to write an essay, he begins, but never finishes it. Ideas lie in a confused mass within his mind, method and arrangement are only required to give them form and expression. But who will undertake to teach him method? It is true it may be learnt by practice. But the practice itself is not enjoined by the university. It is, therefore, not to be wondered at that the university acquirements of the graduate should be of the most evanescent kind, ready to disappear when they are most wanted, and he who wittily said, "that a graduate ignites only on the box," should have considered all the circumstances before he indulged in such a remark.

But amidst these defects and blemishes of the university system of education, the fact must not be lost sight of, that the graduate imbibes a love of learning. During his college career he has already studied the master-pieces of a few of the best English authors, the influence of which has inspired him with an eager desire to study. Accordingly as soon as he leaves the college where he was obliged to adhere solely to his text-books, he begins to apply himself with a keen appetite to multifarious works of history, literature, philosophy and fiction. But the great defect of such study is, that it lacks method. The student pours over volume after volume, but does not derive any profit from what he reads. He goes through pages of Mill, Buckle and Comte (translation of course), and other learned works full of atheistic views, and imbibes many false principles—false upon the dictates of common sense—which he is ready to back up by arguments set forth by those great thinkers. In the course of his study he often fails to separate the right from the wrong, the wheat from the chaff—and his oriental disposition furnishes a genial soil for the growth of many absurd theories that he imbibes. I cannot resist the temptation of quoting here a few words of an English author upon the characteristics of young Bengal. He says—"They read Byron and Voltaire, play

at billiards, drive tandems, laugh at their priests, patronise missionaries, and believe nothing" These words are no doubt, a little hyperbolical, but still there is a great deal of truth in them. The last-named imperfection in the character of a graduate is greatly to be regretted, for it reflects discredit not only on the graduate himself, but is the darkest blot on the system of education of which he is the product. The teaching of morals is sadly neglected in our colleges and schools, and the study of moral philosophy though prescribed for the B. A. examination is made only optional and not compulsory. Education cannot have any healthy influence unless moral culture forms a part of it, for the latter elevates the mind to those high and humane sentiments which are seldom found in a sceptic. Moreover, it is absolutely necessary to the proper organization of society, that each and all the members of it should be bound by a common principle of religion—a circumstance which is next to impossible unless each of the units of which society is composed has made some advancement in morals.

Having pointed out the imperfections of the system of education that we are now under, I shall proceed to consider what effects it has produced upon our society, and to what extent it has moulded the form of that society.

It is a fact worthy of note that in the pre-university days Hindu society was quite different from what it is now. It was then composed of men who were of a quite different stuff, for the most part ignorant and illiterate, timid and superstitious. As a necessary consequence of these qualities, their character was disfigured by the most odious vices—they were of depraved morals, of a smooth conscience, without a single spark of ambition in their bosoms. There was a number of educated men, it is true, but these were few and far between. But what a happy and striking contrast is the present state of society! We now find in it a set of young people radiant with hope and ambition, of polite manners and of a generous disposition, ready to make any sacrifice for the benefit of their country. By these observations, however, I do not mean to say that these young men have

reached the summit of perfection. On the contrary, I have pointed out elsewhere several serious defects in their character, which, if not remedied in due time, may finally tend to shake the very foundations of our society.

But, at the present day, the great impediment in the way of social progress is, that our society is not composed of a single element. There are two jarring elements in it—corresponding with the two classes of people I have described above—one of which continually tries to thwart the other. The one is against all reform, while the other is in favour of it. The one believes that English education is the source of all our woe, while the other thinks—it is the fountain of all our happiness. The one is impressed with the conviction that western civilization is tending to demoralize, striking a severe blow at the root of every virtue, while the other seriously believes that is the only source from which all virtue proceeds. The one laughs and gibes at the apostasy of the other, while the latter prides itself in its own triumph, being furnished, by means of foreign education, with a store of new images and ideas. The latter, however, has already manifested many signs of its coming off successful in the long run.

The condition of women is another important point which has of late called the attention of educated men. Though I should make an apology for introducing a subject which has no direct affinity with the one we are considering, yet I should consider it as one of high importance, simply because a change in the condition of women will eventually work a thorough change in the framework of society. So little regard is paid to woman in our country and so poor a value is set upon her estimable qualities, that we might well exclude her from our consideration as forming no part of our society. But as we cannot be blind to the fact, that her social position in all the civilized countries of Europe is a very high one, nay almost equal to that of the other sex, we feel a curiosity to trace the causes that have led to her present degradation in our society. But the key to this mysterious problem is easily found in the old Hindu maxim that



the wife is intended only to give birth to sons (পুত্রার্থে ক্রিয়তে ভার্যা) Agreeably to this selfish view, woman in our country is sadly neglected, and is treated not as a human being but as some object of daily use which contributes to the pleasure of the opposite sex. In the family, her position is little better than that of a menial servant. But do we not expect at an early date her emancipation from this domestic thralldom? The influence of English education which we are receiving at the university has already effected a great change in the chief features of our society, and is struggling to reach the dark corners of the zenana, in order to give it a position in the social scale which it had been unjustly deprived of. Women now find themselves surrounded by relations who are far more liberal and enlightened than their predecessors, and whom English education has taught the necessity of treating woman not as an object of pleasure but as a human being. As a mark of improvement, various institutions are being founded by worthy and enlightened native gentlemen in different parts of the country for the education of girls who, in their turn, instead of devoting their time to idle pursuits have learnt the necessity of appropriating it to more important and useful purposes.

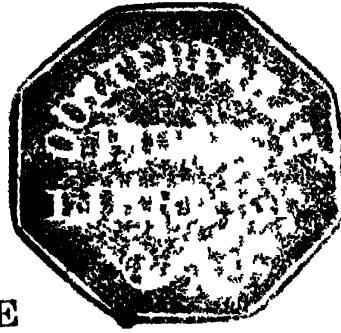
We owe to English education another great boon, *viz*, it has awakened us from the state of slumber which had hitherto made us insensible to the painful sufferings occasioned by the tyranny of priest-craft. From the time of *Manu* downwards, the mean and invidious distinction of caste has powerfully prevailed and has contributed in a great measure to accelerate the fall of Hindu society. The study of the Vedas has up to this date been confined to the Brahmins, whose mean and selfish policy for the protection of their power, induced them to lay down rules detrimental to the interests of their fellow brethren who were contemptuously designated *sudras*. But under the beneficial influence of English education, these invidious distinctions are disappearing, and many a custom which had been considered tyrannical or arbitrary has been either wilfully departed from or its non-observance sanctioned by the legislature.

The dismal gloom of superstition which had hitherto surrounded us has been dispelled by the shower of light thrown upon it by English education, and the toils so deceitfully spread over us have become sufficiently worn out to present us with many loopholes for escape

It now only remains for us to drive away a few relics of old customs that still linger around us, and which threaten to counteract the salutary effects of the education so kindly imparted to us by a foreign people. For the accomplishment of this object it is absolutely necessary that our actions should agree with our thoughts. We must try to *do* what we *think*. It is painful to see many young men of talents and education lacking this moral courage, who dare not practise in public what they would most willingly preach in private. English education will no doubt gradually infuse this moral courage into our minds, and enable us to struggle boldly and successfully with the demon of superstition and prejudice that at present sits like an incubus on the heart of our society. Our society relieved of this huge monster will continue to grow and flourish

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THE HINDU FAMILY

CHAPTER VIII

*Incidental Members*

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In the opening chapter we have stated that the primitive conception of a family is not merely the conception of those who are strictly its legitimate members. We have seen the archaic family to consist also of strangers and slaves,\* whose destinies are closely identified with those of the members. This was the case in ancient and mediæval Europe, among the Greeks and Romans, Teutons and Slavonian tribes. In our own country, judging from existing institutions, this incorporation of strangers with the family must have prevailed to a great extent. If in Europe it was felt as a necessity for the protection of the family against attacks from outside, in India its expediency on the ground of domestic convenience was equally felt.

It is not our intention to expatiate here on the excellencies of the system which attracted by its moral cohesion strange elements to form a consistent whole, how it promoted by a division of labour the economical concerns of the family, how it engendered a spirit of mutual help in the furtherance of the best interests of the family, how it put into the heads of the members a motive to be kind and sympathizing to such as were weak and incapable.

The Hindu family at the present day comprehends a lot of strangers, whose status as members thereof rests on no stronger

basis than the charitable disposition of its head. These are near or distant cousins, relations by marriage, distant relations of the *Karta*, or other blood-relations of *mater-familias*—other caste-men whose indigence makes them live on the family's bounty. The number of these hangers-on is sometimes a dozen and sometimes a score. Generally it is half a dozen. Their mission in the family varies according to the circumstances of each particular case. It varies from active co-operation in the discharge of house-hold duties to masterly inactivity. Generally the co-operation accorded does not deserve that name—and their advent in the family means the consumption of so much boiled rice twice every day, and the 'burning' of so much of *Karta's* good tobacco.

Where co-operation is afforded, it is either in the shape of an accountant or manager's services, or where the family is not in prosperous circumstances the purchase of victuals for daily consumption is the only duty imposed. Where the family has landed properties, on the distant cousin devolves the task of collecting rents from tenants. \* These are some of the duties of the male strangers. The females assist *mater-familias* in the kitchen, in preparing the daily offerings for worship, or in nursing children. Some of them move in the humbler sphere of a lady's maid, and are allotted to them comparatively menial duties, such as the dusting of the rooms, the cleaning of the plate, and bringing water from the nearest pool.

Among certain castes, this dependance of the poor relations on their rich ones is almost constitutional. They prize it as an uncommon luxury, however it may smack of abject servility. This phenomenon need not surprise foreigners, considering that idleness is always more delicious than activity, and this is universal in all primitive societies. What has kept up this hankering after relatives' bounty, is the relationship itself. "He is my blood-relation,—my father's aunt's father-in-law's brother-in-law, it is my duty to take interest in his affairs. He is grown wealthy, should he not give me a mouthful to eat, and a shelter in his house at night? If he has no affection for me, surely for fear of society, he won't turn me out of doors." This is the sort of

logic he addresses to himself until he becomes a convert thereto. His first visit to the relative's house is hailed with delight. 'He has come to see how they are all doing. Nice house, excellent parlour, splendid furniture, and good tobacco,' but he won't be there for more than a couple of days. He is sure, that he has pressing business to attend to elsewhere demanding his presence. Two days, two weeks, two months, two years pass away, and he does not show the least sign of budging from his cool retreat. *Karta* ominously shakes his head. *Mater familias* whispers something into *Karta's* ears, but delicacy prevents them from speaking out their mind. *Karta's* grown-up son however is less delicate in his manners. He sees that it is a drone that has taken a quiet nook in the house to empty its cellar and larder. He orders the drone to do this thing and that thing, to go here and go there, till the position of the latter becomes quite unbearable. And if there remained any modicum of comfort, the taunts and insults of the servants and the maidservants rendered it into positive discomfort. Inside the zenana, the same scene is enacted in regard to the female relatives living in a state of dependance, with worse consequences. But the worst feature is, that they hang on the family like so many mistle-toes reluctant to quit their firm hold. What the dog is to its master's table, the vulture to the dead animals, that the dependant relative is to the Hindu family. He luxuriates and fattens himself at other's expense, and rolls in the couch of indolence on the earnings of the industrious.

We have a house-hold word, current in Bengal in which these hangers on are styled 'house-hold dogs', and they are facetiously divided into four classes. The first comprize sons-in-law who are transported into the house of their fathers-in-law for good. The second embrace all *salas* (wives brothers) who are permanent fixtures in their sister's house. The third embrace sister's sons, who make their uncle's house their eternal abode. The last comprehend other relations, similarly accommodated.

With regard to the first class, Europeans have no idea what a girdle of radiant associations environs a live son-in-law in Bengal, among the upper ten of society. It does not fall

into the lot of every body to be such a son-in-law. There are sons-in-law and sons-in-law, and it is of those who are the buttons on fortune's cap, that we have taken upon us to speak on the present occasion. He must be of clear olive complexion, possessing as much of nature's aristocracy in him as is possible. A black skin and uncouth features are positive disqualifications to the attainment of the pre-eminent position. Family honour, education, accomplishments are nothing, unless allied with the handsomeness of his person. They may be the wherewith to paint the lily or gild refined gold, but he must first be the golden lily himself. Thus qualified, he is at first a great favorite under his father-in-law's roof. The best milk which the domestic cow yields is set before him in its native freshness. The best and most delicious viands are placed before him for acceptance. In his dress, he is a summer's butterfly, light and easy and aglow with all the colours of the rainbow. He has about him an atmosphere of fragrance, as if the queen of Sheba had been his perfumer by appointment. The mother-in-law awfully likes him for his lovely face, the young sisters-in-law make him the butt of all their humorous sayings. With the young lady's maids he is an idol, while his brothers-in-law make a regular buffoon of him. His life is one long tale of levity and mirth, ease and pleasure. No anxious care ever disturbs the smoothness of his brows. Domestic duties, thought for the morrow, worldly avocations, are to him fantastical, so long he has his monthly allowance. 'Vain illusion!' he finds very soon that the fairy land he was moving in, is cursed with Circe's magic spells and that he himself is translated Bottom-toke. His father-in-law, though continuing his allowances, gradually becomes impatient and ultimately views him as an incubus on his resources. The mother-in-law eyes him as a common place phenomenon, while to crown his unhappiness, his wife considers him as one paid to minister to her pleasures.

All this is very humiliating, but the poor son-in-law's misfortunes do not stop here. He has to put up with the bad humours of his wife, the taunts of his brothers-in-law, and the insults

of the entire brood of servants. Sometimes to visit his wife rests on her supreme pleasure, and instances are known where he pined for days and nights in a solitary dingy room, while she, my lady, vegetates in state in her boudoir amidst her father's luxuries, without devoting a moment's thought on the misery of her husband. The poor man is sometimes obliged to coax her maid to take his card up, and Heaven knows how keenly he feels the disappointment—when it comes back—with the heart-rending reply 'No leisure.'

But enough of this. The pernicious practice of contracting unequal matches is at the root of the evils we have described above. Rich men's daughters are married to poor men's sons—and hence these lamentable consequences. The fault lies with the parents themselves, there being a vicious desire on the girl's father's part to keep his daughter under his roof in perpetuity, and a low thirst after money on the part of the son-in-law's father tempting him to close with the proffered bargain. Raja Bahadur or Khan Bahadur cannot brook the idea of his daughter chalking out for herself a humble sphere in life in the house of a commoner, albeit he is her husband. She had been nursed in the softest of mother's laps, and fed upon Heaven's manna itself. Her body had been clothed with the finest of muslins which human art could manufacture. Is it not therefore too much to expect that she would look at the matter-of-fact world in the face, and rot a common house-wife amidst the ordinary necessities of life?

The second class of house-hold 'dogs' comprizes the *salas* (wife's brothers), whose career in their sister's house deserves a prominent record. A wife is a man's second half, say the Hindu Shastras, and the truth of the proposition is univerrally admitted all over the civilized globe. But our holy sages committed an unpardonable error of omission in not styling the *sala* as the one-fourth of his sister's husband. He is the greatest and the most interesting of a man's relatives. Woe to him who has no *sala* to enliven his terrestrial destiny. Without him, life is 'stale and unprofitable', and connubial happiness is weary and monotonous. Our *salas* make us vivacious and impart to our humour an



unrestrained activity Give us a relation who would willingly put up with our thousand and one jokes—both decent and ribald—who would be the willing recipient of our generous abuses, and we may dispense with the luxury of having *salas* The thing is impossible, and no body would exchange lot with them

When the *sala* is so much an object of interest to us, can we possibly withhold our helping hand when he is in want and distress? Far better would it be to send away from the house one's old parents and brothers to shift for themselves, than 'turn Turk' to him But irrespective of this maudlin sentimentalism which makes us partial to him, a higher motive for showing him kindness is to please the house-hold goddess on whose smiles and frowns one's existence depends She would look daggers if her brother were not duly honoured and respected under her own roof

It would be a mistake to suppose that all brothers-in-law adopt their sister's home as their own, only those whose indigence or indolence is a pretext to the enjoyment of other's gains, and those in whom self-esteem is conspicuous by its absence When the *sala* is accommodated in the house, his condition bears a strong analogy to that of the resident son-in-law described above,—of course, where his sister is not as wife regnant, his wishes are circumscribed by the commands of her husband In this case she secretly helps her brother with money and clothes, to ensure his personal comfort Should she be the reigning queen of the house, her brother occupies a position higher than its master The sister's son is the next hanger on, deserving of mention

This creature moves in a comparatively humble orbit His poverty or helplessness is the only recommendation for getting into his uncle's family, and when he has secured his affection, his highest ambition is gratified As a rule, maternal uncles are kind and loving relations, and all those pleasant associations connected with one's child-hood and uncle's house are cherished by him in grateful remembrance In sundry instances, the aunt does not share her husband's kindness and love and makes the house rather hot for the nephew, where this is the case, he leaves

the house, or, if this is impossible, degrades himself to the rank of a servant to satisfy the avenging goddess

With *kulin* Brahmins, the practice of maintaining sister's children is a matter of dire necessity, and if sister's children stick to their maternal uncles' homes, it is only for want of a better one to go to. Kulinism rests upon the firm *dictum*, that marriage does not necessarily impose on the husband the duty of maintaining his wife and children. The *kulin* husband is like a Brahminy bull, whose onviable lot is to feed upon the most luxuriant of corns, no matter who may own them, with something like impunity, and escape the drudgery of being harnessed to a yoke. Each marriage brings into his purse so much gold, and he goes on marrying and marrying till there is the last drop of blood running in his veins. We know of an instance where a man actually married a hundred and sixty wives. Two dozens of wives is quite a modest affair and commonly met with.

Thus have we exhausted the category of 'the house-hold dogs,' who happen to be the incidental members of a Hindu family. The system which encourages their stay under the family-roof is to say the least a pernicious one. We do not mean to disparage the motives which prompt one to help poor relations with food and shelter. What we disapprove is, the practice of supporting a congregation of near and distant relations, who all things considered, are quite capable of working for their bread. We heartily condemn the reasons which underlie the practice. In the case of the resident son-in-law, it is an affection for the daughter quite at variance with the spirit of all nuptial rule. With the sister's son, it is an execrable sense of caste-honour, which prompts one to marry his sister to a *kulin*, and nothing less. In the case of the other relations, a false sense of delicacy or a false notion of social prestige is at the bottom. But the system under consideration is productive of consequences, which are manifestly demoralizing. It is demoralizing to the head of the family himself and demoralizing to the recipient of his bounty. The existence of this ill-placed bounty implies an absence of economy in the management

of the household funds. It implies the maintenance of habits of indolence and dissipation in our fellow-men, which the law of society commands us to discourage. It implies the denial to one's wife and children so much of their resources, which they may use with advantage after his death. With the recipients themselves, it is a life of total inactivity and dissipation. Resident sons-in-law are generally of debauched character. They are mostly addicted to hard-drinking, to smoking narcotic drugs, and to debauchery. And this is more or less the case with the other domiciled relations. Sycophancy, servility, duplicity and low cunning are, with some other vices, ingrained in their very nature. Some of them are under the impression that it is their right to fleece their benefactors. We know of instances where females have been fleeced in this way by their relations.

Before dismissing the subject of incidental membership of the Hindu family, we deem it right to introduce to our readers a few more characters, who though not related to it by any ties of consanguinity or marriage, nevertheless identify themselves with its prosperity or adversity. There is a considerable analogy, we think, between the bond which unites these characters with the family and that which the primitive family in Europe united a "group of men and women children and slaves, all connected together by common subjection to the paternal power of the chief of the house-hold"\*

These are —

Firstly, the house-hold servant or maid

Secondly, the priest, the guru and the astrologer

Thirdly, other *quasi* servants, such as the mid-wife and the barber.

Firstly, the house-hold servant —

It may at first sight appear singular, that in an essay on the Hindu family, household servants should have a place. Strictly speaking, they are not its members. They have no legal

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\* Maine on Village Communities p 118

or equitable right in family property as against those who are its constituents. They do not hold any property belonging to it. But despite these circumstances, the servant's destiny is so much linked with that of his master, that a description of the family must inevitably be incomplete without some record of its household service. The primitive servant takes as much interest in the well-fare of the family, as its legitimate members, sometimes more. He is mad after preserving its prestige and honour unsullied. He would enforce rules of economy in insuring a better state of domestic finance. He is the guardian of the female and infantine members during the absence of the head. He mingles with the family and occupies a corner of the family dwelling. In the good old times, to maintain a servant was considered a luxury reserved only for the rich. The bulk of the household work devolved on the females. Even the drawing of water for drinking or for other purposes fell within the scope, of their legitimate duties. The practice still prevails in the *Moffussil*, among the rich and poor. With the rich, the prejudices of caste are the motives why the practice is still maintained. Water is, in the light of those prejudices, liable to be polluted, if drawn by people of the impure castes. In the absence of positive data, it is impossible to determine whether the earliest form of household service was slavery. In ancient times, slavery existed all over the known world, and ancient society was so framed that it could not do without slaves of some sort or other. Our Mahomedan fellow subjects had their *gholams* (slaves) and *bandis* (slave-girls), and if our information is not incorrect, there is a mild type of slavery still prevalent among the Mahomedans in Eastern Bengal. By the Hindu law writers mention is made of slaves, but whether their conception of a slave is identical with that of the modern one, is decidedly a vexed question, which it would be hopeless to solve. But if the Indian servant was not a serf in ancient times, he was clearly a vellein. The Indian allodial owner had a body of villeins, who tilled his lands, grew crops there and harvested them when they were ripe. This sort of villeinage still subsists in the *Moffussil* villages, of course in a considerably modified

shape. They are the great ancestors of the present class of servants, only the duties of these have of late become more numerous than what fell into the lot of the velliens. The villein-servant was fed and clothed like any member of his master's family. His quarters for the night were in the cowshed or about the street-door. He was married at his master's expense, and his family and children were domiciled under his master's thatch. He was treated with kindness and sometimes was an object of affection. He called his master his father, and his mistress his mother. Even the other members of his master's family were his adopted relations. On the occasion of some religious or other ceremony, the mistress of the house set before them sweetmeats and delicacies with an unsparing hand. On holidays, they received copper pieces from her wherewith to purchase sweetmeat, fruits and toys. On the occasion of the Durgapujah, or some household ceremony, as marriage or birth, new clothes dyed red are given to them. Silver and gold ornaments are sometimes given as a reward for past services or faithfulness, and great is their joy when they wear them. Wages to servants were unknown, and all that they cared for was to be fed up to the throat. Subsequently, a rupee now and a rupee then was given, more as a perquisite to herewith help a distressed relative of theirs than as wages. And the poor dependants received it with many a tear of grateful joy.

The position of the servant gradually underwent a modification. Short of actually cleansing the privy, every sort of domestic work was performed by them. The man-servant was at once a house-keeper, a porter, an assistant to the family Levite, and a cowherd. He had to purchase the daily necessities of life from the neighbouring fair, to till the family garden, draw water from the well or the nearest pool, and prepare tobacco for household consumption. The servant-maid cleansed the kitchen utensils, the family plate, and nursed the children. Servile as was the condition of the man-servant, he was in some respects the friend and confidante of the *Karta*. In all matters affecting the honor of the family, *Karta* looked upon him as his counsellor, and his counsels were sometimes viewed as savouring of practical

wisdom. When a quarrel arose between *Kanta* and his neighbour, the services of the servant were of the utmost consequence, and from a counsellor he was transformed into a live warrior. As a general rule, this class of servants were faithful to the very back-bone. There was one peccant humour in the fidelity which deserves mention, and that is they seldom omitted to pilfer one or two pice when they had occasion to make purchases. This was viewed by them in the light of a prescriptive right, which it was a sin to violate. Servants of the sort were remarkable for their impertinence, and as such were sometimes a plague to all the members of the family, both male and female. *Kanta* was indulgent to them, and for this reason it was *infra dig* on their part to obey the orders of the subordinate members. In many cases, their disobedience was the subject of loud and continued complaints, and if the house was not made too hot for them, they left it for good or made up matters with a smile, in a right patronizing fashion. Sometimes a servant of this type would say, that he could not consider the children of his master as his lords, as they were born after his advent into the house, and he nursed them as if they were his children. To such of the female members as were not born under the family roof, he would say that he saw their marriage, and was an instrument in their induction touching, and they occ

## RAMBHADRA, OR THE MOFUSSIL HAKIM

### CHAPTER III

‘Time and tide wait for no man’  
 It is here, it is there,  
 It leaves behind its l  
 interest to comparative indifference, and from comparative indifference to total oblivion. To-day it is fresh, lively and charming, to-morrow faded, drooping and dying. Thus with humanity, thus with all its phases and aspects. The buoyant and frolicsome

urchin, happy in the midst of his toys, is soon ushered into the hard cloisters of learning to undergo discipline, and the boyish days are soon forgotten in the midst of his labours. The youth in the heyday of life moves in an atmosphere of sentimentalism, where each phantom of hope, each imagery of his brain is ethereal bliss, too evanescent alas! when he has to brave a matter-of-fact world. The thought of one's daily bread 'makes cowards of us all,' and our imageries 'melt into thin air.' Manhood brings with it cares and anxieties which leave permanent impression on our forehead. Our senses verge on a partial paralysis, and we reluctantly look forward to see whether we are really on the thresh-hold of age and infirmity. Death is for the dead, say we, and not for the living. Die we cannot, and yet when death is beckoning us, we put off his terrible behests, Dobson-like, *sine die*.

Every moment of our life turns with events countless as the sands on the sea-shore. We notice some, are conscious of others, while the rest we positively ignore. We cherish in our mind a hero's deeds or a minister's policy, a poet's songs or a philosopher's dream, but our heroes change, our ministers resign, songs grow rusty and philosophers become fools. Strange that time should bring on these vicissitudes, and passing strange that the great and the low, the rich and the poor are all subject to them. We may not care for the low and the poor, but they have a diary of their own to write their events in.

Three years have passed away since the events related in the last chapter. Rambhadra was now on his seventeenth year having grown tall and handsome, closely resembling his father. His broad chest, and fair complexion set off his form to the greatest advantage. His lips and chin were not wholly devoid of hairy vegetation, and to complete the handsomeness of his person, a myriad ringlets of dark and shining hair waved on his head.

His sister Lalita was now a glorious young woman. She was of the middle stature, neither very stout nor very slender, of olive colour tinged with a shade or two of copperiness, with an

oval face and arched neck, relieved by a crop of raven-like hair that descended to her knees. The vermilion spot on her forehead, the thin iron band about the left wrist, the lac-dye paint on the soles of her pretty but coarse feet, and the red-bordered cloths which she wore, were expressive of her matrimonial state. She was verily a *fine-covert* now, and such a wife! She carried about her connubial love, modesty was delineated in her features. So gentle and amiable that if you saw her once you could not help admiring her. She had come to her father's on a flying visit, and was therefore basking at the present time in the sunshine of her mother's love.

Anjana was in her widow's weeds. Time and sorrow had brought on her premature old age. Ever since her lord's death she confined herself to one meal a day, as suiting best with a widow's state, abstained from fish and flesh, and never saw her image in the glass or arranged her hair. So that a few wrinkles had taken root in her smooth brow and face, and streaks of grey hair could be seen on the crown of her head. One great change had come over in her temper and her language, and it was in every body's mouth that she was now more irritable in her temper, and her tongue actually blistered the victim of its utterances.

It was two in the after noon, one glorious day in the month of August, as Anjana sat with legs out-stretched in the courtyard, drying her hair in the sun. She had got up very early in the morning, and after dusting and clearing the entire house, had given the necessary orders to her hired men to reap the early paddy crop, which was ripe. She had then to peep aside the cowshed, and after relieving it of the accumulations of cow-dung, had to scatter some ashes to remove the moisture. She then collected the cow-dung and made it into a sort of paste, and had bits of the paste posted on the mud walls in the form of cakes. She had then to go to the nearest pool of water to fetch a few pitcherfuls for culinary and drinking purposes. She then bathed, and after performing the usual ablutions, turned her face towards the sun, and asked of him the usual blessings of peace and plenty.

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Thus edified, she returned to her house to resume her work for the day. Her scanty laider she first visited, and fetching therefrom some pounds of rice a little salt, some oil from a bamboo tube, she commenced her kitchen labours. The dishes which she turned out were dainty in their own way. The rice was cleaned and washed and then boiled. A few succulent roots and twigs had been fried. Some pulse was made into the form of soup, and a little sour curry was made with fish and some rinds of the tamarind fruit.

After finishing the culinary duties, she took a few handfuls of fried rice, some molasses, a piece of ginger, as a sort of refreshment. This done, she descended into the courtyard untying the knot at the extremity of her hair, which knot during the culinary operation she had kept on as if she wore a buttoned hany cap on her head, and sat in the manner above described.

‘Ho ‘Lalita! its getting intolerable.’

‘What, má dear,’ asked Lalita, in a half-curious, half-terrified manner, letting go the nut-cracker with which she was cracking a betel-nut.

‘I mean this wayward brother of yours is giving me no end of botheration. He had gone out before the crow had cawed, and though it is now close upon three o’clock has not yet made himself visible, I wonder what he is after.’

‘It can not be any thing bad he is after, ma. He is a good boy and he fears you much. Perhaps he is with his school friends, and they are after some innocent spree. Don’t be anxious for him, dear,’ was Lalita’s calm reply.

‘You are a green gill, you don’t know what’s what. If it had been an innocent spree as you say, it would have been over by eleven o’clock in the morning. No mother’s son you know would stay away at breakfast time’ was the immediate rejoinder.

‘But má, why not enquire at his playmate’s house where brother is?’ was Lalita’s request.

‘Useless, because the luckless boy is not there for certain. I know where he is and what he is about. You know he and Snu (our village goldsmith) are knee deep in friendship, notwith-

standing then singular disparity in age, and it is your brother's friend who is teaching him the ways of the world. I was quite in the dark as to Rambhadra's movements, and till recently Ramon's mother informed me that she saw Kokila and my son issuing forth from the smith's shop in quite a suspicious manner. I never would believe this, till Ramon's mother placed her hand on her boy's head and swore by all the gods and goddesses, that it was true. I fancy that burnt-faced smith has wellnigh ruined my boy.'

'This is a vile calumny, mother, don't you believe it. My brother is a good lad, and it is only bad people who speak ill of him. Would that I could beat the calumniators in the face with a broomstick,' was the sister's indignant answer.

'But be that as it may, look at his untoward conduct. Break-fast is getting cold, and he is keeping his mother and sister waiting for him, as if they had no hunger or thirst to appease. And do you think this is the sort of son who would take care of me, when I am aged and infirm. Ah! my forehead!' and she violently struck that part of her body with the palm of her right hand.\*

Lalita was sorely grieved, she did not know precisely what to say. Then suppressing the outburst of her feelings, she begged her mother to be calm.

'How can I be calm, darling,' said the mother, 'when my mind is a regular hell on earth. From the day of your father's death, I have been leading a cheerless and forlorn life. Heaven knows what I have suffered for the sake of my children, in rearing them up. I have abstained from food and sleep to give you a morsel and to keep guard over you. Your brother is now a grown-up young man. He can certainly relieve me of a portion of my heavy burden. He can look to the farm, to the cows, but that even is left to me, as if I was his maid of all work. Oh Lalita, this is cruel ingratitude, and Heaven will bear witness—No I should not do that. It would be asking Heaven to curse him, him whom I love as my soul's idol, who is to me more, than

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\* A manifestation of despair, the forehead being the seat of one's destiny.

a blind man's staff and the wealth of seven kings, and——” She was interrupted by a loud knock at the street-door, and she hastened to open it

Rambhadra looked much confused when her mother's eyes met his. He muttered something by way of apology, but this his mother could not catch. Swift as lightning, he got into his mother's room, to change his dress, and then took his seat on a wooden board in the corridor attached to his mother's room and Lalita handed him the tube containing the mustard oil, a wet napkin and the necessary bathing paraphernalia, and he addressed himself to the daily ablution. He rubbed oil on his body for some minutes, not forgetting to thrust some into his nostrils and ear-holes, he then had the clay-top of his pipe filled with tobacco (for he was now sufficiently advanced in years to smoke in his mother's presence) and after rubbing some oil on the body of the pipe, had two or three such hearty pulls at it that the clay top got into a flame.

Anjana had got into the kitchen after letting him in, and did not speak a word all the time. In fact there was something about her son which her matronly eyes had perceived that seized her with fear. So that at the time we are speaking of, the poor woman's mind was alternately passing through fear and despair, anger and motherly affection. Sometimes she thought of holding her tongue through fear. Then she thought that he was hopelessly gone. One time words of reproach would come up to her lips, another time a mother's affection would seal her lips.

Lalita had seen that her brother's eyes were unusually red and had a dissipated aspect. Pretending to have business in the kitchen, she went thither and whispered her worst suspicions into her mother's ears, and was told in return to take care of herself and to be out of his way.

Bathing done, Rambhadra entered the kitchen to commence the task of mastication and deglutition. He sat on a wooden board. It was a peculiar posture, his back and the legs being at right angles to the plane of the board. A broad plantain leaf with a little salt at one corner of it, was used as a dish, and a brass

mug containing Adam's ale was planted on his right. Anjana doled out some boiled rice from an earthen hemispherical dish, and her son arranged it in the form of a cone. The fried vegetables were then put on the right or left side of the plantain-leaf, and the rice-cone was then compressed on the apex so as to resemble the crater of a volcano. This was for the pulse soup. All the time these preliminaries were arranged, Rambhadra's tongue was copiously watering, and every time it watered, he withdrew the secreted saliva by making a slow hissing sound.

This done, he disturbed the vertical position of the mug, and with the water thus spilt on his hand, he sprinkled a little around the plantain leaf, as a signal to eating.

*Soop, sop, sopat, wh,-sosh, soop, shesh, sop, sopat*, was the inarticulate sound he uttered, all the while he ate. It was a strange sound, partly like the hissing of a snake and partly the subdued sound which a piston emits. It was a little hillock of boiled rice which the cat could not have leaped over, that vanished, and the eater looked wistfully at the hemispherical earthen dish for more. "The charmer knows the snake's sneezing" is a well-known proverb. So without being asked, Anjana doled out some more boiled rice, that her son may have his fill.

'This tamarind curry is excellent, Má,' remarked the eater. Má, instead of making any reply, poured out some more of the precious commodity. 'These herbs are very succulent, dear,' was the next remark made, and Anjana gave some more.

And here it is necessary to inform the foreign reader that we stick to certain ceremonies at the domestic table [*terra firma* being our indigenous table] as well as at our host's. It is bad breeding for a guest to ask for a thing. You have to say that the cooking of a particular dish or the flavour of a particular sweetmeat is excellent to ensure a further supply. If you go to an invitation and have reasons to believe that the lady of the house was the author of sundry dishes, make it a plan to applaud her art of cooking as much as you can, and take my word for gospel truth, when I say you are sure to be invited again before you are a week older. Modesty in eating,

rather a paradox, consists in wishing well of your friend dining beside 'Give him some more of this or that thing,' say I, and I am sure to have it In all invitations to dinner, the host should have the following test of the gastronomical capability of his guests " When your guest says '*aha*,'\* give him some, when he says *umh-hu* give him more, when he waves his hand too and fro over the dish, give him still more, but don't give when he bends over his plate like a tiger on its prey " 'I know of a host who once forgot the golden rule, and the consequence was that his guest came home in great despair, fell flat on his cot, and begged of his servant to administer to his insatiable belly two smart blows

But to resume the thread of our narrative Rambhadra had taken a hearty meal In fact it was hearty after the snake-like fashion With the mug in his hand he went out of the house, and after applying the tooth-pick to his grinders and to his nostrils, he removed the accretions to his gums, and had some sneezing, and then washed his mouth and face clear To stretch a mat on the corridor and to recline against a dirty pillow previous to smoking the pipe and chewing a betel leaf were his next acts, and while they were being performed, his mother came straight up to him

Her countenance was grim as a wasp-nest Her brows were contracted, and she had an expression of resoluteness about her, which cowed if not dismayed her son He had anticipated a storm, and his mother's appearance on the corridor was the signal that it was about to burst

'Now then, Ram', addressing her son, 'I see you are on the brink of perdition '

"Thanks, good mother, for your good wishes," was the reply

"I little dreamt that you would get spoiled so soon I thought that it had come up to smoking of tobacco only, but——" said she

"But, what! out with it, má "

'I admire your candour, Ram, and yet you don't perceive

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\* Expressive of reluctance from satisfy

the redness in your eyes that's evidently not the effect of tobacco,' was the sneering reply

'Oh you mean the red tinge in *my* eye Does that distress you? Well, I can only relieve you by saying that it is the effect of enlarged spleen, as old Ganesh Kabiraj says,' said he chuckling over the little lie

'Ram, to tell you the truth, though I am not educated, I have sense enough to see through your lies Who ever has heard of redness in the eye brought on by an enlarged spleen? Do you take me to be such a simple fool as to believe that?' was her indignant answer

'Well, if that is not an explanation I care not how you may explain it I am not a baby who is to be asked by mother what he did, why he did, and you are no better than an old silly mother, with plenty of nonsense in your head and blister in Your tongue'

'This to me,—who has looked upon you as my soul's darling,—the beacon of my hope, and the idol of my fourteen ancestors I see your heart is estranged from me by that burnt faced wench Ka——' was hissed between her teeth

'But supposing that the oilman's wife is my favourite, what then? Am I not a man, and what man has not female favourites? With you it is a sin, but we males are touch-stones You understand?'

'May Heavens have mercy on you, treat me thus for all the care I have taken for having borne you in my womb for ten months and ten days'

'Ah yes, Madam, for the ten months' storage, you may claim godown rent, but not now', was the brutal answer of the son

Anjana bit her lips till the blood came out, tore her hair, beat her breast, struck her forehead on the earthen floor, and hurled all sorts of curses on her son's head She wished that he was no more Then as a crowning act—of grief, she poured forth her lamentations for the untimely death of her lord

'Oh that this too, too solid flesh would melt.

Thaw and resolve itself, into a dew'

Or that the Everlasting had not fix'd,  
His canon 'gainst self-slaughter ' Oh God! Oh God!  
Hamlet

#### CHAPTER IV

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Joe Vyce was an Indigo planter of no ordinary celebrity. His father was a spy under Honourable East India Company and as such did important service during the first Burmese war. Having amassed a fortune, he thought of resigning the post he had long held and of being settled in life. He married a Burmese woman, named Tang Soi and up to a pretty good age Joe was the sole fruit of this union, and as is natural had the smiles of his parents whole and entire. In those days, Indigo plantations were prized as properties of rare value, and every European who could lay by something thought himself qualified to become a planter if he could not do any thing else. But Joe's father was not one of them. He was truly a man of worth, and Joe was his only son, and such a son! Joe had learnt all about the rainfall, weather and crops, was certainly not bad in mensuration, had a smattering of the knowledge of chemistry and physics and some knowledge of Zemindari business. The father having been entirely a practical sort of man, sedulously kept his son aloof from speculative studies 'and all such nonsense'. Further, what glowed in the old man's breast was a desire to see his son 'develop the natural and material resources of the country'. And no wonder there should be such a desire in him. That eminent statesman, Dalhousie had painted in glowing colours the mission of Europeans in that respect, a mission which old Vyce contrasted with the evangelical mission. So five hundred acres of land were rented from the Raja of Birbhum at a yearly rental of 500£, and Joe was ushered into the world with his fortunes linked to Indigo planting. At the date of our narrative, Joe was enormously prospering. He was the owner of an extensive concern, was appointed a member of the Planter's Association with something like an Honorary magistracy in expectancy.

The plantation was named Vycepur, after its owner and verily one should feel proud of owning such property. On the south side of it flowed the broad stream of the Ganges, on the east and partly intersecting it was a small hill-torrent, and on the other sides rose in gentle declivity a chain of hills being the continuation of the great Vindya range which runs latitudinally across the Indian continent. The natural scenery was imposing. The torrent intersecting the grounds in its course upwards lost itself amidst the hills, but where it passed by the grounds, was widened and deepened by artificial means, and the ground intervening between the factory and the foot of the hills was one long, gentle elevation. The entrance to the plantations was from the Ganges-side, and it was a magnificent avenue of stately trees leading to the best of the clusters of buildings. This was Mr Vyce's residence, a palatial mansion with a splendid portico supported by large gothic pillars. It had two wings each meeting the portico at an angle of 60 degrees with windows beyond number, having balconies. In fact the building appeared from a distance to be a gigantic bird, unfurling its wings to soar above. The grounds in front of the house were tastefully laid out and the choicest flowers welcomed you as you went thither. The back ground was used as a kitchen garden, while on each side near the wings, you might see fruit-trees of all sorts laden with their mellow burden. Going across the kitchen garden forward, you come besides the gushing rivulet. A beautiful wooden bridge connects the anterior and posterior portions of the plantation. Here you might see a small well built house with glass-doors and venetians girdled on almost all sides with nice creepers. It is the planter's Cutcherry (office). Close to the stream is the go-down (store-room) a lofty one storeyed building of masonry with blind windows. Inside this, you might see cakes of Indigo in boxes well arranged and stored. A little further down, and you might see the vats, the pumps, the press house. Then there was a large open yard in which the plants were measured and collected, and further down was a thatched bungalow in which the subordinates of Mr Vyce were accommodated.



The Bungalow was spacious and roomy. There were small wooden platforms put near the walls, on which the planter's clerks were seated, each having a small box before him and cloth-bound account-books beside. In the centre was seated on a comparatively raised platform an elderly man having his back against a huge bolster and smoking a snake-like pipe about three yards in length. He was the *Dewan* (manager) of the factory, and on him devolved the task of supervision of the whole establishment. He had seen five and sixty summers, of a repulsively black complexion, with fierce looking eyes, a protruding paunch, a bald head, and as if something else was wanting to complete his deformity, there was a tumor about the size of an orange on his left brow. His accent was nasal and his voice was dissonant beyond mortal endurance. His name was Ghaneshyam, and to him Vyce materially owed his success as a planter.

It was one mid day, in the month of June, when Ghaneshyam and his subordinates were unusually busy at their desk, that Mr Vyce sent down his orderly to inform them that he was shortly coming to the Cutcherry to transact business. It was an extremely sultry day. The sun was shooting forth rays with a terrible vengeance. A regular *simoom* of hot air was blowing across the plantation. All creation seemed to be in a state of silent collapse, save occasionally Vyce's hounds barked, or some poor labourer sent up the usual yell of 'Dohai Maharani'\*. At the signal Ghaneshyam and some of his men got up to put on their decent clothing, for the intense heat of the weather had compelled them to put it by. One of these men was Mr Vyce's *peshkar*, whose duty was to put up papers before his master when he sat in office. His name was Prahlad Ghuttuck, a Brahmin by cast, and a man of caste respectability. His body was a perfect square, and habitually wore a long gown, so that no body could see whether his legs were made of stone or wood. The fact of the matter was, that his legs were each about nine inches in diameter, and his frame appeared to be set on two small pillars.

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\*. Have pity, your Majesty the Queen. A cry for protection when one is oppressed or beaten.

The poor man had taken some mercurial preparation in his days, and his teeth had a tinge of black which no powder could remove

In an evil hour, it must be said, he was regaling himself with a few leaves of betel to bring back moisture to his tongue which the hot day had dried, little thinking that he was shortly to be ushered into his master's presence. With a gaping mouth, he heard the ominous news of his master's advent into the Cutcherry, and in the hurry of the moment, a particle of the chewed betel got into his larynx, which immediately brought forth a violent fit of coughing. 'This cough is very unpleasant' *chhe—chhe—chhe—ahhan ahhan ihun—ihun—uhun—uhun* followed the sound of the cough, interrupting him. In a short time he was in his master's presence.

'Now, *peshkar*, what cases have we got to-day?' asked Vyce in an authoritative tone.

'My lord' *chhe—chhe—ihun—ihun* 'there are', *chhe, chhe, umnei*, —'three'—*ahhan—ahhan—oohno* 'cases,' answered he with difficulty.

'What are they?' was the next query.

*Ohhon—ohhon—ahhan—ahhan—chhan—chhan—ihhun—ihhun, uhhun, uhhun*,—went on the cough, till the man was about to fall into a fit. Composing himself as speedily as he could, he by a most extraordinary effort stated that 'one was—' but before he could not finish his sentence, Mr Vyce with half of his handkerchief pressed inside the cavity of his mouth, asked him

'Peshkar, what is the matter with you to-day?'

The planter had been straining hard to suppress his laughter at the piece of ludicrousness displayed, and that is why he shoved his handkerchief into his mouth, but he became quite a different being when his *peshkar* gave out the reason why.

Vyce became scarlet with rage, his eyes flashed forth fire, his limbs trembled with passion.

'*Sala*'\*, said he, 'is that the way you behave before your master. Is this your father-in-law's house that you come here to chew

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\* Literally wife's brother, a term of abuse

betles You impertinent fool, low cur, am I not the lord of the place, and how dare you behave like this before your father, you d—d nigger ?’

‘My lord, oh incarnation of justice, the day being dry—I took ——’ But before he could finish, Vyce was on his legs, administering kick after kick till the poor victim fell flat on the floor, yelling the piteous cry ‘Dohai Maharani I am killed’

Ghaneshyam then began pacifying his master, but scarcely had he made the first attempt when the ferocious eyes of Vyce fell on him, and the thundering question was put to him

“*Sala*, why did you permit him to behave like that? you should be shot, *sala*’

As the head of the establishment, Ghaneshyam put his sheet round his neck and joining the palm of his hands (implicative of abject submission) exclaimed ‘Oh Justice incarnate, have mercy on us You are our father, mother, God, Brahmin and cow\* If you save us we live, and kill us we die Do what you think best’

The result of this appeal was, as every body anticipated, a thorough calm, and Vyce addressed himself to the dispatch of business

The first case on the board was Mongol Sheik He was a poor ryot, who had expressed his unwillingness to sow Indigo Mongol was put on his defence at once He begged the Sahib to excuse him that time, as his field was only one-eighth of an acre, and it was necessary for the preservation of his family to sow some food-grain ‘Your Lordship,’ said he, ‘is omnipotent Have mercy on me and my children’

The sentence passed was ‘Put him in the father-in-law’s house† for a week, till he signs the contract to sow Indigo’, and away was poor Mongol taken

The second case was against one Bhikari Dobey, charged with having sown paddy on his own land, which had been previously sown with Indigo by Mr Vyce’s men through sheer force

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\* Idiomatically an object of veneration

† A dungeon ironically styled so

Bhukan represented that he was the rightful owner of the land, had to pay rent therefore, that Vyce's men had sowed Indigo without his consent. Vyce sentenced him to receive 'thirty' stripes in addition to a month's residence at the 'father-in-law's' and fifty rupees fine.

The third case was against a poor old woman, who had let her goat stray on Vyce's kitchen garden. Accident was pleaded by the accused, but in vain. The punishment awarded was 'forfeiture of the animal and hard labour of the owner for a month in the vats of the factory.'

These were offences, which Vyce thought were heinous ones. There were however others which he habitually tried. For instance, ordinary cases of assault between man and man, petty theft, causing abortion, lodging complaints in the constituted courts of the land. In them his policy was to fine both parties, so that if the thief was punished for the crime he committed, the unfortunate owner of the thing stolen was also fined for not taking proper care of his things.

But Ah! What pen can paint the scene of horror which prevailed on the premises of the factory, in a lonely hut, known as the 'father-in-law's place'. It was a low hut, capacious building of sombre looking aspect, built so as to accommodate nearly fifty persons. Below the thatching, you could discern horizontal rafters and bamboos from which ropes and cords are let down having an ominous significance. On the floor, are planted strong wooden posts. Blocks of wood and stone are lying about, an ant-hill in one corner, and a wasp nest in another. On a wooden shelf are to be seen files and racks, lashes and canes, old chopines and thongs and other instruments of torture. The floor is rough and uneven, as if it had been a cattle pound strewn with dirt, and exhibiting streaks of faded blood. In fact the very sight of the place makes one's hair stand on end like the quills of the porcupine.

Ghaneshyam had the sole charge of the 'father-in-law's place' and his vocabulary of incarceration was almost inexhaustive. He factiously divided all torture into three classes. First

the 'tiffin,' second the 'breakfast', and third the 'hearty dinner' The 'tiffin' consists of a few lashes with the cane or blows with the chopine after the guest was suspended to one of the hanging ropes The 'breakfast' began with that dish, and then a bamboo was put across the guest's breast and pressed down by two strong men one at each extremity, then caning once more The dinner was a most elaborate affair It had the dishes of 'tiffin' and 'breakfast', then the binding of the hands and the feet was effected that the guest may be thrown over the ant hill or wasp nest and be besmeared in the face with dirt

Ghaneshyam would roll in friendish pleasure at the sight of the infliction of these tortures, and after the day's work would thank Heaven that he was a prosperous and happy man, forgetting

" We still have judgment here that we but teach  
 Bloody instructions, which being taught, return  
 To plague the inventor, This even-handed justice  
 Commends the ingredients of our poisoned chalice  
 To our own lips "

*Macbeth*

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## CONFESSIONS OF PRISONERS AND THE BENGAL POLICE

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A little over two years ago a criminal case was decided in the local High Court which created some sensation amongst those who either heard or read of it It was a case referred by the District Judge of Burdwan, and, like most cases coming from the Mofussil, attracted little or no general attention No counsel appeared on either side, and the small amount of interest which the fact of counsel being engaged generally creates amongst the *habitués* of the court was wanting, and the case may be said to have been disposed of almost *in camera* Yet it was a case involving questions of life and death, and both in its legal and social aspect one of very considerable importance It appears

that, at an early hour in the morning of Monday the 26th of February 1877, a person named Makhun Kumar informed several persons in his village that his brother Joodhisteer Kumar had been murdered, and we may state at once that, so far as appears from the report of the case (*Empress vs Makhun Kumar*, Calcutta Law Reports, Vol I, pp 275-287) there can be no doubt whatever that the unfortunate man was barbarously murdered. Makhun Kumar seems at first to have said that he did not know who had committed the murder, but apparently in the course of the same morning he appeared before the Gomastah of the village, and there charged a neighbour named Heeralall and another person with having perpetrated the crime. What took place subsequently does not clearly appear, but we find that Makhun Kumar was himself arrested as the person who had committed the murder, and taken before the Magistrate who, after the usual preliminary investigation, committed him to take his trial at the Burdwan Court of Sessions. The trial took place before the District Judge and a Jury, the latter of whom consisting of five apparently respectable men of the place, unanimously found Makhun Kumar not guilty of the offence charged against him, but the former was of a different opinion and, as he might by law, referred the case for the orders of the High Court. The reference first came on before Mr Markby and Mr Prinsep, but these learned persons having differed in opinion, it was heard again by them and Sir Richard Garth the Chief Justice, and the result was that the Chief Justice and Mr Prinsep found the man guilty, and there being as the Chief Justice remarked no extenuating circumstances he was sentenced to be, and was accordingly hanged, Mr Markby being of opinion that there was nothing perverse in the verdict of the jury, and that the prisoner should be acquitted in accordance with it.

Before considering the judgment of the High Court it may be useful to state as concisely as possible the evidence that had been given at the trial before the sessions Court. This consisted of the deposition of the man, Heeralall, of his two sisters Suruswati and Bidoo, of a person named Judoobun, of the Gomastah

of the village, and of one or two others whose names do not appear in the report and whose evidence could not have had much weight. Added to this was the confession of the prisoner before the committing Magistrate. It would seem to have been perfectly clear that the prisoner and his brother lived alone together in the same house, and that they had carried on an illicit intercourse for sometime with Heeralall's sister, the murdered man Joodhisteer for some months with the elder sister Sarasswati and afterwards with the younger one Bidoo, still occasionally visiting the elder one, the prisoner with the elder sister alone. At what stage of the proceedings before the District Magistrate the prisoner made his confession does not appear, but it must have been at a late stage and the Chief Justice summarizes the confession somewhat as follows (*p* 279). On Saturday the 24th of February the two brothers were in the early part of the day at the market, where a dispute arose between them with reference to some pice which the prisoner had received from his brother and not accounted for, and for which the prisoner was severely scolded by his brother. On the Sunday morning the prisoner borrowed an axe from the man Jadoobun, placed it beside the door of his and his brother's house, and on the evening of that day had a conversation with Sarasswati who advised him to kill his brother, suggesting that if the brother were dead she and the prisoner might live comfortably. At night the prisoner and his brother went to sleep as usual, and about midnight the brother got up to see an eclipse of the moon and then laid down and went to sleep again. While the brother was thus asleep, the prisoner took the axe which he had borrowed and struck him with it 3 or 4 times on the head, and the brother died without a word. The prisoner then went to the house where Heeralall and his sisters lived, told them what he had done, and begged Heeralall to help him to bury the body. The woman Sarasswati went with him to look at the body, and Heeralall advised him to go to the Gomastah of the village and say what he had done. And the confession ended with these remarkable words—"But God knows that I am the murderer, and only I," which seem to have drawn from the Magistrate investigating

the case in the first instance the following observation — “*N B* —The accused, a slight miserable looking youth, raises both his hands in an earnest manner in saying this, a statement which he seems to make with all sincerity” It is unnecessary to say that Heeralall fully corroborated so much of the confession as related to himself, and that the woman Sarasswati also did so, so far as she was mentioned in it, except, we may presume, the part which referred to her as having advised the murder. Before the Court of Sessions the prisoner alleged that “he did not say to the Magistrate a word of what he had then heard, then “the police tied and beat him, and tortured him what to say,” and the jury seem to have taken the same view of the matter, to have disbelieved the evidence of Heeralall and his sisters, and upon the whole case to have thought that the crime had not been brought home to the prisoner

It is impossible to rise from a perusal of this case without being struck with the extreme paucity of the evidence on which the prisoner was convicted of the grave offence of fratricide. We should be strictly within the bounds of truth if we said, as we do say, that but for the confession there was hardly any evidence whatever on which to convict a person of even a trifling offence, much less the offence we have mentioned. The motive suggested for the crime appears to us to be wholly insufficient, and unless it could have been shown, as certainly it was not, that Makhun Kumar was of a very violent temper and more jealous than human beings ordinarily are, it is impossible to believe that he would, because of a few words with his brother had said in the market place and because of his brother having shown a lingering attachment for his first love, deliberately plan and execute a most diabolical crime, regardless of all natural love and regardless of his own life. The people of this country particularly the poorer classes are not doubtless as civilized as the people of Europe, but it is a fact universally recognized that their attachment for their relations and particularly for near blood relations is, whether it is based upon instinct or reason, more than ordinarily strong. Cases have been known where men, under circumstances of exceptional



provocation, younger brothers belonging to the same class to which poor Makhun Kumar belonged, have refrained from lifting their hands against their elder brothers. The criminal laws of the country are as is well known the severest imaginable, and charges, and we may add false charges, of offence are as common as possible, and yet we venture to assert that one will search in vain through the records of crime in the country to find many cases of the description now under consideration. The conduct attributed to Makhun Kumar, both before and after the crime, appears to us to be highly improbable. It is hardly likely that after having been guilty of such a crime he would go in front of Heeralall's house and call out to him from outside as he is sworn by Heeralall and his sisters to have done, to come out to help him to bury the body of his brother whom he had murdered. A proceeding like this presupposes knowledge on the part of Makhun Kumar that there was no one else in the house with Heeralall and his sisters, and it betokens the fact that these latter were cognisant of and privy to what was going to happen. A murder, though unfortunately it is not very uncommon particularly in some well known countries in Europe which we could name, is not an ordinary nor an every day occurrence. It is not an occurrence which, though it may for a time satiate some desire for vengeance, some desire for greed or some other equally strong desire, even the most abandoned criminal would be proud of, or would wish to seek the congratulations of his neighbours upon. When a person commits a crime of this nature he, if he requires assistance to help him to hide the traces of his crime, would cast about in his mind to find out the most likely person to give him the assistance he requires. If he has any accomplice he naturally would go to him, if he has not, he would go to such a friend as would not be likely to betray him. What we are now stating is not a matter of speculation based upon fine-spun theories, but of experience common to this as to all other countries. If then Makhun Kumar behaved as he is said to have behaved on the night of the murder with regard to Heeralall and his sisters, these must, as we have said before, either have been acquainted

with what was going to happen, or been persons whom Makhun Kumar thought would help him in burying the body. As to the first supposition, both Heeralall and his sisters repudiate it in toto, and we are compelled to fall back upon the second. We ask then is it likely that the murderer would, considering the relationship which then existed between the murdered man and the woman Bidoo, go and proclaim in her hearing that he had committed the murder? Is it likely that he would not have tried to gain admittance into Heeralall's house and spoken to him privately if he really desired his help? Is it likely that, even if we put aside the case of the woman Bidoo, he would have stood outside the house, and proclaim what he had done, regardless of the risk of the presence of chance passers by, and of the other neighbours being awake and being likely to hear? His conduct before the murder seems if possible even more inexplicable. According to the theory of the prosecution, Makhun Kumar must have made up his mind to either murder his brother or inflict grievous bodily injury upon him after their quarrel in the market, and he must have borrowed Jadoobun's axe for the purpose. It is inexplicable to us that he should have done so. In the houses of people like Makhun Kumar there generally is a *dao* or an axe or a *bonti*, or some sharp instrument of some sort with which the murder could easily have been committed. It is likely that such being the case he would as if for the express purpose of making evidence against him, go and borrow the axe from Jadoobun? Is it likely that having borrowed it for the purpose we have indicated he should have left it near the door and taken so little care of it? Thus far as to the motive and conduct of the prisoner. As to the evidence no person would, we venture to say, place any reliance upon the testimony of Heeralall and his sisters apart from the confession. The fact that the prisoner did not mention who it was that he thought had committed the murder is, standing by itself, no criterion of guilt. It is as consistent with the theory of innocence as with that of guilt. The only circumstance that is of real weight in support of the latter theory is, that the prisoner was the only person in the house when the murder was committed,

but it is capable of explanation. The axe, as we are told, was near the door of the house, and any person entering the house may have possessed himself of it and committed the crime. The prisoner, at a time not far from the time when the murder was committed, alleged that Heeralall and another person had committed the murder, and Heeralall's motive for the crime is quite as strong if not stronger than that of the prisoner. He had to wipe off the disgrace which his sisters had brought upon him by their illicit intercourse with the prisoner and his brother. Mr Prinsep seems to have felt this, for he says (page 284) on this part of the case, "there is moreover no apparent motive on the part of Heeralall to commit this offence, for his sisters had for some time been living with the two brothers without any remonstrance on his part." But the learned judge does not appear to have considered that it is possible that Heeralall might not have remonstrated, feeling probably powerless to control the action of his sisters, and yet have felt the disgrace keenly and have wished to avenge himself. And what has happened lends strong corroboration to this theory. The brother Joodhisteer was murdered, and Makhun Kumar has been hanged and thus by one stroke the two obnoxious individuals, so far as Heeralall was concerned, have ceased to exist. We do not mean for one moment to suggest that Heeralall was the man who committed the crime. Far be it from us to do so. Not only are we naturally averse to impute a crime of this magnitude to a fellow creature, but upon the face of the finding of the High Court it would be highly improper if not dangerous to do so. All we mean is, that the fact that Makhun Kumar was in the house alone at the time of the murder is capable of explanation, and by itself not sufficient to justify the conviction.

We repeat that the evidence apart from the confession was weak and unsatisfactory, and we cannot be very far wrong in saying, as we have done, that the Judges of the High Court would not in all probability have acted upon it so as to sentence a man to an untimely death. Does the confession then make that which is weak and unsatisfactory strong and convincing?

There can be no doubt that a confession, if voluntary and genuine, is the best possible evidence against a prisoner of his guilt. If a crime is committed at a place and under circumstances such that no other eye could watch the perpetrator of it, the latter is the only person who can give any evidence on the subject. But if the confession is not genuine, it is worthless. The fact of its not being voluntary may be explained by the remark, that whatever might have been the means by which it was extorted it is true, but the fact of the confession not being genuine can not be explained away at all. We shall not here discuss whether Makhun Kumar's confession was voluntary or not, but shall confine ourselves to whether it was genuine or not. Reading the summary of it as given by the Chief Justice, we are bound to say that it does not appear to us to be at all natural. A natural and genuine confession would have given us many more circumstances, many more facts from the time of the quarrel at the market to the time when Makhun Kumar appeared before the Gomasta of the village, which are wholly wanting in this. A person who gesticulates in the theatrical manner in which Makhun Kumar is said to have done before the committing Magistrate, we should have expected would have laid bare his heart and told us all his motives and all his actions leading up to the ghastly catastrophe. The more we consider this confession the more convinced we become that it is halting and artificial, loose and unsatisfactory. The Chief Justice appears to have thought so too, for we find that instead of depending wholly upon the confession, he has tried to find if the other evidence in the case in any way corroborated it, and he says (*p* 280) "This confession of the prisoner is corroborated "most fully and satisfactorily as it seems to me by the evidence adduced for the prosecution". With the most unfeigned respect for Sir Richard Garth, we venture to think that it would be more correct to say, that the confession just dovetails itself into the evidence adduced for the prosecution, and not that it is in any way corroborated by it.

Such being the case, is it to be wondered at that the jury arrived at the verdict they did? The majority of the judges, no

doubt, thought that the verdict was perverse, but the ground on which they did so does not clearly appear unless it can be said to be contained in the following sentences in the Chief Justice's judgment —(p 281) "It is very possible as has been suggested "by my learned brother, Mr Justice Prinsep, that the jury may "have been influenced by what seems a too prevalent notion *viz*, "that no conviction for murder is justifiable without the evidence "of some eye-witness of the crime, and the summing up of the "learned judge at the trial seems to point to some such difficulty" and in the following passage in Mr Prinsep's judgment (p 285), "I am inclined however from a long experience of trials by jury "to attribute this verdict to an idea too prevalent among jurors "in this country that in cases of homicide the direct evidence "of an eye-witness is necessary for conviction" We are unable upon the materials before us to gauge Mr Prinsep's experience. No doubt he has correctly given us the impression left upon his mind, but we remember having heard of a case (*Queen V Oma Churn Bhattacharjee*) in which the prisoner was tried by Mr Prinsep and some jurors of this country, *in the autumn of 1874*, for the murder of his mother in which, if we remember right, there was no eye-witness of the crime, and yet the jurors under the guidance of the judge convicted, and the man was sentenced to death which would have undoubtedly *been carried out* if it had not been that the High Court on appeal thought there was no evidence to justify the conviction acquitted the man and directed his release. To the opinion of these learned judges is to be added the fact that the District Judge thought the jury were wrong, and that the Magistrate investigating the case had thought that a sufficient case had been made out against the prisoner. Against this however is to be placed the opinion of Mr Markby, whose experience was quite as great as that of Mr Prinsep if not greater, and who relying upon a case which he had himself tried and in which there had been a most circumstantial confession of a crime of murder which had never been committed at all, came to the conclusion that the jury were not unreasonable in the verdict which they had returned. The District Judge doubtless is a man

of experience, and accustomed to deal with what is called native evidence, but we have no means of knowing how far his mind was influenced by the remarks of the committing Magistrate, which he must have read before he himself commenced to hear the evidence, and which, we may remark in passing, are never as we are told placed before the jury. Taking into consideration all the circumstances *pro* and *con*, we are bound to say that we are not satisfied with the conviction of Makhun Kumar, and that his case forms an item in that list of judicial errors which nobody will deny does exist in the annals of criminal jurisprudence.

We do not for one moment doubt that the majority of the Judges of the High Court were perfectly honest and sincere in their conviction, and that they were actuated by the single desire of vindicating justice. Their knowledge, experience, training all combine to make their opinion sound, and it undoubtedly is so in most of the cases that come before them. No one ought to take exception to their opinion upon light grounds, but when after mature consideration one finds it impossible to agree with them, it is we think his duty to express his views freely and honestly for the consideration of the public. The judges after all are but human beings and liable to err, and the good that the community derives by the error being pointed out is to lessen the chance of its being repeated. In this particular case, the law laid down by many eminent and learned judges both of the High Court of Calcutta and the High Court of Bombay to the effect that the verdict of a jury should not be interfered with unless it were established in the clearest possible manner that they had wholly miscarried in their conclusion upon the case, was departed from, the unanimous verdict of the jury was disregarded, and the unfortunate man was not only found guilty but sentenced to be hanged. And we think it right that the action of the learned Judges should be brought to the notice of the public for them to pass their final verdict upon the case.

But it was not for the purpose of pleading poor Makhun Kumar's case, nor for the purpose of exciting sympathy on his behalf that we have inflicted his sad story upon the reader. This is

not the only case in which of late convictions have been obtained upon what we are told were not genuine confessions. The public could not have forgotten the sensation that was created not long ago by a case which occurred at Howrah in which a man confessed to have murdered his own daughter in the "most natural and circumstantial manner," and upon this confession would inevitably have been found guilty, if his daughter had not providentially come to life and actually appeared in court while the investigation of the crime was going on. We are told that a case came the other day before Mr. White and another learned Judge of the High Court from Assam, in which the only evidence against a man in a case of murder was his own confession. The judges did not credit it, and he was let go. A case came from Midnapore within the last year, in which the prisoner was once brought before a Magistrate apparently at his own request to confess to a charge of murder that had been brought against him, but there he denied that he had wished to confess, or that he had committed the murder. Five minutes afterwards he was again brought before the Magistrate, confessed his supposed offence, protested afterwards that his confession had been extorted by the Police, but was found guilty on it and underwent capital punishment. In a late case (*the Empress Vs. Munnoo Panohi*, Calcutta, Law Reports, Vol IV p. 137) a man confessed before the Deputy-Magistrate, subsequently repudiated the confession, but though the confession was held inadmissible in evidence, the man was found guilty and also underwent capital punishment on the other evidence in the case on which the learned judges of the High Court relied. A lawyer of repute, whose practice is confined almost exclusively to the criminal side of the High Court, informs us that nearly 50 per cent of the cases that are disposed of in the course of the year are based more or less upon confessions. Allowing for a little exaggeration, which is perhaps natural and certainly excusable under the circumstances, we can not be far wrong in saying that, so far at all events as the graver crimes are concerned, confessions are not the exception but the rule. If this be so and we are afraid there can but be

little doubt about it, it behoves the community to consider calmly and dispassionately the significance of the fact we have brought to their notice. It is we think a matter of the gravest import, and does not allow of any the least apathy. Considering that, when a confession is made, the police are relieved from further inquiry into the matter, it is difficult not to see that to avoid trouble, to avoid censure from superior authorities, and to gain credit as men skilled in the detection of crime, the police have a direct interest in obtaining those confessions. No body can doubt that they have ample opportunities of extorting these confessions. No body can doubt that when a confession is extorted, it is very difficult, if not altogether impossible, to bring the fact home to them. The Chief Justice, we are aware, says in Mukhun Kumar's case (p. 281) "we have nothing before us, nor had the jury any "evidence before them to induce the belief &c &c &c that the "prisoner's confession was extorted from him by improper conduct "on the part of the police, and in the absence of such evidence "I can not think that we have any right to assume that &c &c " &c the police were guilty of any breach of duty." But may we be allowed to ask, what possible evidence it is in the power of a prisoner to adduce to show that the police had extorted the confession from him. Unless the police officer were an absolute idiot (in which case he would not probably be able to get any confession at all), he would not set about his business in the market place, he would not take any outsiders into his confidence, his operations would only be known to a select few of his brother officers immediately around him, neither he nor they would be likely to divulge that the confession had been extorted, and upon the face of the thing the only evidence that it would be possible to adduce on the subject would be the uncorroborated statement, —a statement too not upon oath, for a prisoner is not allowed to make his statement upon oath, of the prisoner himself. To say then that unless there is evidence, in the legal sense of the term, to prove that a confession had been extorted it would be acted upon, is to lay down a very dangerous doctrine, and to hold before the police a temptation the result of which one shudders to



contemplate We have here a body of men, as to whom it may be asserted without much risk of contradiction, that they are looked upon by the people, be they rich or poor, educated or ignorant, for whose protection they are maintained, as persons who are, to say the least of it, not particularly scrupulous as to the means they adopt for effecting their ends Mr Markby in his judgment in Makhun Kumar's case declared (*p* 277) that "it is not certainly too much to say, that the Police possess great influence "over the prisoners in their charge, and that they do sometimes "obtain the most circumstantial confessions which are false" There are many high judicial officers who are also of the same opinion We have in the hands of such men a person under some awful charge, and in a state of mind more easily imagined than described, entirely defenceless We have also the fact, which can not be overlooked, that if the charge is not brought home to the accused person, these men are treated with but scant courtesy by their superiors Thus there is an overpowering temptation, absolute power, almost perfect immunity from detection, hardly any moral scruple, the person to be operated upon entirely defenceless, and under these circumstances is it possible to sit complacently and rely and act upon the confession of a prisoner leading to his destruction ?

It may be said that, since the law made it imperative that no confession before a police officer should be received in evidence, and that all confessions to be of any use as evidence must be made in the presence of a Magistrate, a prisoner has all the safeguard that he requires We wish we could believe that this is so But we are afraid that this safeguard is more apparent than real, and a little consideration will show that we are right To induce a man to confess that he has committed a crime he, if guilty, must, as it seems to us, be impelled by two motives—one principal and the other subordinate The principal motive proceeds from a desire to satisfy his own conscience He thinks over what he has done, repents and tries in the best way that lies in his power, to show his contrition Underlying this is the subordinate motive proceeding from the selfish desire of, to some extent at least

justifying himself in the eyes of his fellow-men, and getting them to take a lenient view of his case. He wishes them to believe by showing circumstances of aggravation that he is not the demon which they would otherwise take him to be, and that his case is deserving, if not of sympathy, at least of some consideration, and not of the extreme punishment strictly provided for it by law. A person acting under such motives does not as a rule retract what he says. His conscience is too strong to enable him to do so. If the man is innocent, he can only be induced to make a false confession by the belief that he would inevitably be convicted, and suffer the extreme penalty provided by law for the offence charged against him, but that he would receive a lighter sentence if he confessed that he had committed the crime, unless indeed the confession is extorted by torture. We shall not detain the reader, by any observations upon the subject of torture, for it is one of great importance and deserves to be treated by itself. Confining ourselves to cases where the confession is not extorted by torture, the belief we have referred to, is generally the result of representations to the effect, that the police have in their hands the most damning piece of evidence against the prisoner, that his asseverations of innocence are of no use whatsoever, that they, the police, know all things, that they are able to guess a man's thoughts even, that the Hakeems are very angry with the prisoner, and that his only safety from the gallows lies in a confession. It is not improbable that an officer in the disguise of a soothsayer is introduced to the prisoner, and he proceeds to examine his palms and forthwith proceeds to recite the circumstances of the crime as the police have conceived them to be, giving the prisoner as the person playing the principal part, and it is also not improbable that superstition is sometimes brought to operate upon the man, and when the patient is ready, he learns the police theory of the case and confesses. A person under such circumstances when brought before the Sessions Judge and when he finds that the damning piece of evidence has not been produced, and that the police are but ordinary men and their soothsayer and superstition a mere snare and delusion, is as a

rule likely depart from his confession and would naturally do so. In the cases of both the innocent man and the guilty man, they have to be brought before the Magistrate, so that the confession may be legally recorded, but in the former case the influence which was at work to induce the confession remains still at work, the officer who brought about the confession is there present in Court, and the man has again to go back to his custody. He is only apparently free before the Magistrate but not really so. How otherwise is to be explained the fact, which is very common and which is shown by the case of the *Queen vs Haribole Chunder Ghose* (Indian Law Reports, Calcutta Series, Volume I, p. 207) that it is not generally during the investigation of a case in Court before the Magistrate that the prisoner is minded to confess, but at odd times and while he is generally in the charge of the police? We are told that cases are not unfrequent in which the police have had some difficulty in hunting up a Magistrate at the time when the prisoner is on the confession point. And if this be so, of what use is the safeguard to which we have referred? It is not easily conceivable why, if a person is really guilty and has confessed, he should wish to retract his confession. What influences, can it be said, work upon him before the Sessions Judge which were not in existence in the Court of the Magistrate before whom the confession was made, so as to induce him to say that the confession is an extorted one? In the vast majority of cases the prisoners remain in jail from the time of their commitment to the time of their trial, and generally in charge of the same police officers. During the trial they also remain in jail and in charge of the police. It is not very easy for their relations, particularly if they happen to be poor, to see them, and when they do get an opportunity, hardly any interview ever takes place between them and the prisoner without the presence of the police officer. Even pleaders, when, as is not often the case any are engaged, find it difficult to obtain free communication with the prisoner. Why then should a conscience-stricken man add falsehood and deception to his other offence? Why should he go out of his way to malign the police who, poor men, had nothing whatever to

do with him except to keep him under their charge in the execution of their duty ? And, above all, why should there be such a very great disproportion between convictions on confession of serious offences in the Presidency Towns and in the Mofussil ? We do not mean to say that all these prisoners are honest men, and incapable of accusing the police or any one else falsely, on the contrary we know from Mr Markby and from others that they sometimes make confessions "in the most natural and circumstantial manner," which are wholly and absolutely false. But those who believe the confessions to be genuine must, as we take it, go upon the supposition that, at the time at all events when the confession was made, the prisoner was honest, and we repeat there is to us an initial improbability in a man honest at one time becoming wholly dishonest without any new influence being brought to bear upon him, almost immediately afterwards. It is unnatural, and though not without the bounds of possibility, not much within the ken of human experience.

But we have trespassed too long upon the reader's time to pursue the subject any further. It is, as we have said, one of grave import, and our chief object in bringing it forward is simply to arouse attention to it if possible. We may be wrong in the conclusions to which we have arrived. We may have misunderstood, misapprehended or misapplied many of the facts and circumstances which surround the question we have discussed. The matter of importance is, not whether a particular individual is right or wrong, but whether the subject is one deserving of public attention. We have unquestionably a state of things calling for explanation. If we had been living in England instead of in British India, the case of Makhun Kumar alone would have been sufficient to elicit questions and answers in the House of Commons, going to the very root of the matter. We should have had returns called for and probably granted, showing in how many cases prisoners had confessed and afterwards retracted their confession, in how many cases they had been convicted upon their confession alone, and in how many cases the police had been censured by the Judges, as the police here have

been in many cases, and notably in the case of *Sofiruddeen and others* (Calcutta Law Reports Vol II p 132) We should probably have had a commission to inquire into the whole matter But alas ! we are not in England, and the administration of justice in criminal cases is only watched over for us, if it is watched over at all, by those who somehow or other seem to have brought themselves to the conclusion that the country could not be governed safely except under a system of criminal law the severity of which is only short of that of martial law We have not even the opportunity of an appeal, not so satisfactory now perhaps as it used to be, to the Judicial Committee of the Privy Council as we have in civil cases Almost every five or six years laws are passed investing the district authorities with almost absolute power, and but for one circumstance life in the *Moffussil* would be one of despairing gloom The attention of the English public has, thanks to the present Viceroy, at last been aroused to affairs in this country We are claiming that attention by means of delegates and other legitimate means to many things In the midst of our desire to give admission into the covenanted civil service, to obtaining high appointments under the government and other benefits, let us not forget the poor prisoner lying in some remote prison, and being brought to confession point by the police Let us all carefully consider the matter and, if necessary, unite in asking that the confessions of prisoners and the Bengal Police should not any longer be left to themselves

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SOURCES OF HINDU LAW

*IV—The Maharashtra School*

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The country, in which the doctrines of the Maharashtra School chiefly prevail, is bounded on the north by the river Narbudda, on the south by a line from Goa through Kolapore and Beder to Chandra, on the east by the river Warda, and on the west by a line from Nanded to Damun, and along the seaboard as far as Goa. The tract of land of which the abovementioned boundaries are given is called the Maharashtra country. The mother-tongue of the natives of this country is the Maharashtra dialect. Maharashtra, Northern Canara, Bombay and Guzerat form the local extent of the Maharashtra School. The Maharashtra School has, for its guidance, adopted the Mitakshara, the Viramitrodaya, the Nirṇaya Sindhu, the Mayukhas, the Koushtubhas, the Dharma Sindhu, the Dattaka Chandrika and the Dattaka Mīmāṃsā. No description of the Mitakshara, Viramitrodaya and Nirṇaya Sindhu is necessary, as they have been before noticed. The same must be said of the Dattaka Chandrika and Dattaka Mīmāṃsā.

Nīla Kantha Bhatta, the son of the well known Mīmāṃsaka, Shankara Bhatta of Deshastha Maharashtra descent, was born in Benares, and lived about 1600 C E. Under the auspices of Bhagavanta Deva, King of Bhareha, Nīla Kantha Bhatta composed on twelve different subjects twelve treatises generally

entitled Mayukha and collectively termed Bhagavanta Bhaskara in honor of his patron. His writings came into use about 1700 A. D. The Bhagavanta Bhaskara is an encyclopedia of the Dharma Shashtra, and consists of the following twelve divisions —

- 1 The Smuktika Mayukha treats of initiatory rites
- 2 The Achara Mayukha deals with rules of conduct
- 3 Smriti Mayukha dwells upon times for the performance of ceremonies and rituals
- 4 The Shraddha Mayukha is devoted to funeral ceremonies
- 5 The Niti Mayukha regulates royal conduct and policy
- 6 The Vyavahara Mayukha is a work on law and judicature
- 7 The Dina Mayukha touches upon religious donations
- 8 The Utsarga Mayukha is confined to dedication of tanks, wells, &c
- 9 The Pratishtha Mayukha is a treatise on consecration of idols and temples
- 10 The Prayashchitta Mayukha gives rules of penance and expiation
11. The Shuddhi Mayukha touches upon purification
- 12 The Shanti Mayukha is on avoidance of bad omens

Laterally, the Mayukhas are the rays of the sun Bhagavanta. Of all the Mayukhas the Vyavahara Mayukha is the only one treating of Civil and Criminal Law. It contains the texts of the ancient sages without copious comments, original or borrowed, particularly to be found in the latter portion of the treatise. It is, therefore, more of the nature of a Smriti Sangraha than that of a regular Digest.

All the eighteen titles of Hindu Law have been treated of by Nila Kantha Bhatta in the Vyavahara Mayukha, and arranged by him in a satisfactory manner. Nila Kantha Bhatta may be properly called the founder of the Maharashtra School, for laying down several doctrines of Hindu law which are not only peculiar but opposed to those of the author of the Mitakshara.

Both the Mitakshara and the Madana Ratna have been followed by the learned writer of the Vyavahara Mayukha in his doctrines. But he does not entirely concur with Vijnaneshwara in all his doctrines. The author of the Vyavahara Mayukha often gives preference to the Madana Ratna over the Mitakshara, and borrows without any acknowledgment the opinions of the writer of the former work in many instances. A comparison of the doctrines of Nila Kantha Bhatta with those of Vijnaneshwara and Jimuta Vihana will enable a lawyer to note the similarity and dissimilarity of the tenets of the three writers, and to say with which of the last mentioned authorities the author of the Vyavahara Mayukha generally agrees in his doctrines. The result of the comparison shows that Nila Kantha, in general, concurs with Vijnaneshwara. By order of the Bombay Government the Sanskrit text of the Vyavahara Mayukha was printed at Bombay in 1826. Mr. Borradaile, a Judge of the late Bombay Sudder Court, made an English version of the original Vyavahara Mayukha. Elucidatory notes were added to the translation. References to the Digests of other schools than that of Bombay have been made in the notes to the version. Messrs. West and Buhler speak of Mr. Borradaile's translation of the Vyavahara Mayukha as follows — "This work though in general of great service, is frequently inaccurate. Some passages of the text have been misunderstood, and others are not clearly rendered." The honorable Mr. Whitley Stokes, C. S. I., in his speech on Codification in India before the Vice-regal Legislative Council, says, that the Vyavahara Mayukha has been "translated so badly as to mislead rather than guide." Mr. Borradaile's translation of the Vyavahara Mayukha is according to Dr. Goldstucker, faulty and imperfect.

Ananta Deva was the son of Apa Deva, a Kokunast Chitpawane Brahmana, and was a contemporary of Kunalikara Bhatta. An encyclopedia of twelve different topics forming the twelve divisions of it was written by him under the general title of Koustubha at the request of Chandra Deva *alias* Bai Bahadur. Of the Koustubhas the Sankara Koustubha and the Smṛiti



Koustubha are the two principal works which are received in the Bombay school. Besides these two, there is another work entitled Dattaka Koustubha by Ananta Deva. The Sanskara Koustubha is devoted to the treatment of sixteen initiatory rites and other similar topics. The Smṛiti Koustubha treats of Achara, Vyavahara and Prayaschitta. The Dattaka Koustubha is a treatise on adoption. No other edition of the Sanskrit text of the Koustubhas than that printed at Bombay in 1862 has been published. The original Text of the Koustubhas has not yet undergone any version.

Kasi Natha Opadhyaya was the son of Ananta Deva, and composed under the title of Dharma Sindhu a treatise on religious ceremonies and rites. The Dharma Sindhu appears to be of the same description as the Nirnaya Sindhu, and is more recent than the latter. The text of the Dharma Sindhu has neither been edited nor translated. On the authority of the Vyavahara Mayukha, Mr H. T. Colebrooke thus observes —“In the west of India, and particularly among the Marhattas, the greatest authority, after the Mitakshara, is Nila Kantha, author of the Vyavahara Mayukha and of other treatises bearing a similar title.”

It has been recently ruled by the High Court of Bombay in the case of Pandurang Naik *versus* Krishnaji Marji, that the Mitakshara is of paramount authority in the Mahratta country and in Northern Canara, while the doctrines of the Vyavahara Mayukha are preferably adhered to in the island of Bombay and in the province of Guzerat. In the first case, the Vyavahara Mayukha and the other authorities of the Bombay school are secondary to the work of Vijnaneshwara, and serve only to illustrate and supplement the Mitakshara. They are to be followed so far as they are not opposed to the Mitakshara. But amongst secondary authorities the Vyavahara Mayukha is preferred to the rest. In the second case the Mitakshara and the remaining authorities of the Maharashtra school are secondary to the Vyavahara Mayukha. In religious matters the Nirnaya Sindhu takes precedence of the Dharma Sindhu as well as of

the Mayukhas and Koustubhas treating of the same topics of the Dharma. Both the Dattaka Chandrika and the Dattaka Mimansa are considered as supplementary treatises on the Law of Adoption. They supplement the Bombay Digests which also treat of the subject of Affiliation. The opinions of the writers of the Dattaka Chandrika and the Dattaka Mimansa, if opposed to those of the authors of the Vyavahara Mayukha, Nirnaya Sindhu and Dharma Sindhu, are, however, deemed of no authority, and are rejected on general grounds. The school of Bombay shows preference to the Dattaka Chandrika over the Dattaka Mimansa in case of mutual contradiction of the two treatises on any point of the Law of Adoption. But where they do not appear to contradict each other, they are equally regarded by the Bombay scholiasts.

To supply the deficiencies of the Maharashtra authorities the author of the Vyavastha Darpana makes the following suggestions —“ Thus in Strange’s work on Hindu Law, which is principally designed for the Marhatta and Dravida schools, works of paramount authority in Bengal have been cited on the general points and also on points not touched upon in the law tract chiefly used in these schools. In the first of the above two cases, the Bengal authorities are regarded as secondary to, or corroborative of, the authorities of those schools, while in the second case the authorities of the Bengal school must be regarded as also unquestionable authorities in the said schools by reason of having supplied the deficiency in the law tracts adopted by them.” With regard to the preceding remarks it may be sufficient to observe that they are not accurate, for the reasons mentioned below —1 That Sir Thomas Strange’s treatise on Hindu Law does not profess to give the doctrines of the Maharashtra school. 2 That even admitting the work to be chiefly intended for the Bombay school, the fact of Sir Thomas Strange’s citation of the Bengal authorities in his work in support of points of generality as well as of points not dealt with in the Digests of the school does not necessarily lead to the conclusion, that the Bengal works must be considered on general points as corroborative or secondary

authorities of the said school, and on points untouched upon in its treatises as indubitable authorities for having supplied their shortcomings. It is indeed strange that the Bengal Digest should be looked upon in the light of unquestionable authority in the Maharashtra school on legal questions not treated of in its books, for the Bombay school is, as it has been previously remarked, not divergent from the Bengal school, but from the main school of Benares. Of the special Digests of the Bombay school, particularly the Vyavahara Mayukha lays down certain legal doctrines which may be supported by reference to the authority of the Dayabhaga. But this cannot reasonably afford a good ground to the Bombay Shastris for invoking the authority of the Dayabhaga in support of such tenets of law. The paramount authorities of the Maharashtra school do not give way to the standard Bengal Digests even on points not treated by the former. Among the Digests of Hindu law receivable in the school of India the special works of the Maharashtra school may be found to deal with copious citations from the texts of the venerable sages of antiquity. The writings of those ancient law-givers, whose names are rarely met with in the Digests of the other school have been also quoted by the authors of the Bombay treatises. In addition to a few approved glosses on some Text-Books, and a few recognized Digests of the schools other than that of Bengal, the Maharashtra authorities sometimes refer to the Dhareshwara, Dwaita Nimaya, Kulpa Taru, Madana Ratna, Nyaya Viveka, Pravara Adhyaya, Smriti Sangraha, Siddhi Viveka, and the treatises of Bhaskara Acharya, Someshwara Bhatta, and a few other writers.

Besides the abovementioned works, the followers of the Maharashtra school acknowledge the following treatises — Hemadri Bhatta is the undeniable writer of the Hemadri, an ancient work consisting of twelve divisions and treating of all sorts of topics. The treatise is a general digest, and is cited in the Madana Parijata and other works. The Hemadri takes its title from the name of its writer, who was an officer of the Court of Hemadri, King of Devagiri (Dowlatabad). Vishwa

Rupa Ramaka Garga Bhatta Kshikara, a Mahatta Brahman, composed under the title of Dyot a general digest treating of all topics in twelve decisions. The work is said to have been written about one hundred and fifty years ago. The same writer is also the author of a treatise on Achara and Vyavahara known by the name of Dinakara Udyota. By command of Subaji Pratapa, King of Eastern Andra, a general digest entitled Parasurama Pratapa, dwelling upon Achara, Vyavahara, Prayaschitta and other subjects, was written five hundred and fifty years since. A general digest designated Prithi Chandiodiya treats of Achara, Vyavahara and Prayaschitta. Nagaji Bhatta, a Mahatta Brahmana of Benares, is the author of the Vyavahara Sekar. A treatise entitled Sura Sangraha is devoted to Vyavahara, Prayaschitta and other topics. It does not fully dwell upon the subjects touched upon. The Acharaka of Shankara Bhatta Kshikara deals with Achara and Vyavahara, and is of general repute. Not a single edition or translation of any of the preceding works has yet appeared.

*V — The Dravida school*

Ancient Dravida embraced the provinces of Andhra, Karnataka, Guzerat, Mahratta and Dravida Proper, which were collectively called "Pancha Dravida" or the five Dravidas. Modern Dravida comprises Andhra, Karnataka and Dravida Proper which form the entire southern portion of peninsular India. The natives of the abovementioned three provinces respectively speak the Telugu or Tailanga, Karnataka and Tamil. Andhra is bounded on the north by a line from Chandra to Solumpore on the Mahanadi river, on the south by Dravida Proper, on the east by a line from Solumpore to Cicacolo, and thence to Pulicat along the coast of the Bay of Bengal, and on the west by a line from Chandra through Beder and Adwanny to Pungamore. Karnata is bounded on the north by a line from Beder to Kolapore, on the south by Dravida Proper, on the east by a line from Beder through Adwanny to Pungamore, and on the west by a line from Kolapore to Goa, and thence to Tellicherry along the seaboard. Dravida Proper has on its east,

south and west the sea. Lines from Cape Comorin to Pulicat and thence to Tellicherry form the eastern and western limits of Dravida Proper. On the north of Dravida Proper lie Andhra and Karnataka.

The Dravida school predominates in the entire southern portion of the peninsula of India, and comprises the provinces of Andhra, Karnataka and Dravida Proper. Some writers on Hindu law sub-divide the Dravida school into three minor schools, designated after the names of the provinces which are included in it. These schools are of Andhra, Karnataka and Dravida. In the Dravida school are recognized the Mitakshara, the Smṛiti Chandrika, the Madhaviya, the Varada Rajya, the Saraswati Vilasa, Dattaka Chandrika, the Dattaka Mimansa, and Sri Rama Pandita's Treatise on Adoption. Excepting the last mentioned four works, the remaining treatises have been thus classified by Veda Pattibhi Rama Smṛiti as the authorities of the aforesaid three minor schools —

1 Andhra School — Mitakshara, Smṛiti Chandrika, Saraswati Vilasa

2 Karnataka School — Mitakshara, Madhaviya, Saraswati Vilasa

3 Dravida School — Mitakshara, Varada Rajya, Saraswati Vilasa

Mr William H Morley, in his recapitulation of the authorities of the five schools, makes the classification of the authorities of the three divisions of the Dravida school in a somewhat different manner —

5 Dravida School —

(a) Dravida division —

Mitakshara, Madhaviya, Saraswati Vilasa, Varada Rajya

(b) Karnataka division — Mitakshara, Madhaviya, Saraswati Vilasa

(c) Andhra division — Mitakshara, Madhaviya, Smṛiti Chandrika, Saraswati Vilasa

This classification of the authorities of the three subdivisions of the Dravida school is not in exact accordance with

what has been made by Rama Pandita and noticed by Mr Morley in a previous portion of his introduction to Hindu Law But there is hardly any necessity for the division and classification of the authorities of the Dravida school in the absence of any great peculiarity or of any material difference between them But it is worth while to remark that the works recognized in one sub-divisional school are regarded by the others in a greater or less degree The Mitakshara, Smṛiti Chandrika, Madhaviya, Varada, Rajya, and Saraswati Vilasa are ordinarily known as Pancha Grantha or the five works On the authority of Mr Strange, Mr Grady, in his Treatise on the Hindu Law of inheritance, mentions the following —“The Saraswati Vilasa by Prathapa Roodhroodoo, the Vyavahara Mayukha by Neelakantha, translated by Mr Borrodaile, is an especial authority among Mahiattas The Madhaveum, the Mitakshara, and the Smṛiti Chandrika, are five works which are accounted of paramount authority, and are referred to as Pancha Grantha, or five books” The foregoing is not an accurate account of the five books received in the Madras schools But it is true that any five works may be called Pancha Grantha In this respect Mr Grady is correct It is, however, to be observed that the five books mentioned by Mr Grady are not practically referrible as Pancha Grantha of the Dravida school

No notice of the Mitakshara, Madhaviya, Dattaka Chandrika and Dattaka Mimansa, is necessary in this place, as they have been previously noticed in their respective places Devananda Bhatta was a famous lawyer of Southern India, and wrote the Smṛiti Chandrika

The Smṛiti Chandrika is founded on the Mitakshara of Vijnaneshwara whose opinions have been closely followed except in a few instances But the distinguishing characteristic features of the Smṛiti Chandrika are slight alterations in the arrangement, abridgment of some of the Mimansa disquisitions, and expansion of the practical part of the Mitakshara The Smṛiti Chandrika was composed about one hundred and fifty years since the date of the composition of Vijnaneshwara's Mitakshara

It forms the ground-work of the Vyavahara Madhava, or the third section of the Madhaviya, and is remarkable for ample dissertation and considerable research. It is a work of good common sense. Devananda Bhatta, the learned author of the Smṛiti Chandrikā, is known to the followers of the Dravida school as its founder. Mr Grady erroneously says that the Smṛiti Chandrikā is a Mithilā authority. The remark respective observations of Mr Colebrooke, and Mr Strange on the Smṛiti Chandrikā are given below —

“This excellent treatise on judicature is of great and almost paramount authority, as I am informed, in the countries occupied by the Hindu nations of Dravida, Tālangā, and Karnātā, inhabiting the greatest part of the peninsula of Dekhin” “Of the author of the Smṛiti Chandrikā, named Devananda Bhatta little, if anything, seems to be known. The work, attributed to him, was compiled during the existence of Vidyānagarī dominion (an extensive Southern empire, that flourished during the thirteenth, fourteenth and fifteenth centuries of our era), but apparently not under the direct sanction of the government. It has been considered by Mr Colebrooke to be a work of uncommon excellence, if not superior, in extent of research, and copiousness, of disquisition, to the Madhaviya, though he would not venture to say, upon his own opinion which would prevail, where they might be found to differ, while Mr Ellis regarded it as valuable for the information it affords, of the constitution of the several sorts of judicial tribunals, that existed in Southern India, at the time when it was composed, and useful for practical purposes, as affording precedents for the forms of processes, deeds, &c, as well as for the clearness with which points of law in it are discussed” “This is an especial authority of the Madras school, in which it has originated, and stands next in estimation to the Mitakshara. It differs, however, in doctrine from the Mitakshara in some few points”

The late Mr F W Ellis, of the Madras Civil Service, made an incomplete Tamil version of the original Text of the Smṛiti Chandrikā in 1815. Madura Condaswami Pulaver prepared

an abridged edition of it which was printed in Tamil character at Madras in 1826. The portion of the original *Smṛiti Chandrika* touching upon Partation and Inheritance has received an English version from the pen of T. Kristnasawmy Iyer, Esq., now a Judge of the Madras Small Cause Court. Jones, Colebrooke and Boirradaile's translations of the texts of the ancient holy sages cited in the *Smṛiti Chandrika*, have been generally followed by the translator, except where they were found to be inconsistent with Devananda Bhatta's quotations and expositions. Amidst the conflict of the versions of the same text by the abovementioned scholars, the translation, which seemed to the translator to be in conformity with the spirit and letter of the text as given in the *Smṛiti Chandrika*, was allowed to stand. Foot-notes have been added to the translation for the explanation of the obscure passages of the original work, as well as for the exhibition of the doctrines of Devananda Bhatta which are in accord or discord with those of Vijnaneshwara, Jimuta Vihana and Jagannatha Tarkapanchanana. They also contain abstracts of the decisions of the Privy Council and the Madras High Court on the legal points treated of in the *Smṛiti Chandrika*. A summary of the contents of each chapter at its conclusion, and a table of successors to the wealth of a deceased proprietor according to Devananda Bhatta, have been incorporated by the translator in his work. Besides these, a preface and an index are also given. The version was published at Madras first in 1866 and again in 1867.

The following exception has been taken by Mr. Grady to the version of the *Smṛiti Chandrika* by Mr. T. Krishna Swamy Jyor:

"We are not aware what knowledge of the Sanskrit Mr. Krishna Sawmy Iyer may possess. In Madras, however, according to our information, Sanskrit is a language which is not studied to that degree of perfection which would enable a student to obtain a familiarity with it. In making this observation, it is not our intention to disparage the erudition or the labour of the learned translator. Probably his knowledge of the language



may be exceptional, but when we find for the first time a work hitherto inaccessible to the English reader ushered into the presence of the legal public from one foreign language into another by a gentleman to whom both languages are equally foreign, we are naturally led to ask, Have we a guarantee for the correctness of the translation? "The translator says," "Notwithstanding my utmost endeavours, I was unable to get a printed copy of the *Smṛiti Chandrika* in Sanskrit, I was hence obliged to furnish myself with several manuscript copies in Sanskrit from different quarters, such as Tanjore, Madras, and Mysore. They were of course found to contain several clerical errors, and exhibited, in some instances, even inconsistent readings. I compared all the copies together with the assistance of learned Shastris, and prepared at first a correct manuscript copy, trying at the same time to rectify all that appeared to me to be apparent clerical errors and adopting such of the readings as were found agreeable to the context." We do not see that this statement of the translator is of a very satisfactory nature. We know not whether the "clerical errors" and "inconsistent readings" have relation to subjects important or immaterial, agreeing or conflicting with the authorities of the school of which Devanna Bhat was a follower. We know not who these learned Shastris are, of whose assistance the translator availed himself, whether they were acquainted with law, or whether they really understood Sanskrit, and were competent to occupy a place in a committee convened for the purpose of preparing a new copy of the "*Smṛiti Chandrika*." The translation has not been prepared from an authentic, genuine, undoubted copy, but from a copy compiled from "several," "containing several clerical errors," and "inconsistent readings." We imagine that the translator might have easily saved himself from these observations, had he sought in the Government collections of Madras or Bengal, for a genuine copy. And if he had found the difficulty of reconciling "clerical errors" and "inconsistent readings" insuperable, we think it was the duty of a candid translator to insert in his translation not only these "clerical errors" and "inconsistent readings," in order that the practitioner or

the judge might have an opportunity of deciding for himself in what manner these "clerical errors" and "inconsistent readings" ought to be rendered. The learned translator has undertaken this task, and we have no doubt executed it satisfactorily to himself. We should have been more obliged to him had he not saved us this trouble, as it is, we know not what is the authentic text of "Devanna Bhat," nor how far the text has been altered by the industry of the translator. We have considered it our duty to call attention to this work as we find it differs in so many important particulars from the "Mitakshara," and we are afraid it will lead to various innovations if the doctrines which according to the present translation of the "Smṛiti Chandrika" are genuine, are not minutely scrutinised."

It is needless to add that the accuracy and fidelity of the translation of a work from one language into another entirely depend on the translator's sound knowledge of both the languages as well as of the subjects treated of in the original. Applying this principle to the case of Mr Kristna Sawmy's translation of the Smṛiti Chandrika, the question as to the correctness or otherwise of the version remains hardly undetermined. When the translator's knowledge of the Sanskrit and English languages is not directly and seriously questioned, save and except on the ground that they are equally foreign to him, the objection to the accuracy of the translation on that score is really futile. In testing a translation, it is not absolutely necessary to inquire into the fact whether or not the language, from or into which the version is rendered, is the mother-tongue of the translator, but the only thing to be carefully looked into in such a case is his proficiency in the subject of translation as well as his intimate acquaintance with the languages with which he deals. In the absence of any direct evidence for the disproof of these two facts in the case of Mr Kristna Sawmy's translation, it is certainly unjust to say that the version is not correct. Again, it may be said that the guarantee for the accuracy of the version rests more on the competency of the translator than on the previous public notice of his qualifications. Is any guarantee previously necessary for the

correctness of the translation from one foreign language into another of a work which has not hitherto been presented in an English garb to the legal profession? It may be remarked that no guarantee is at all needed as a condition precedent to the translation of a treatise by a competent person previously known or unknown to the legal public. Moreover, the Sanskrit language is not foreign to a Hindu, like S. Kṛṣṇa Sāmy Iyer.

However correct and faithful may be Mr. Kṛṣṇa Sāmy's translation from the copy of the *Smṛiti Chandrika* prepared by him with the aid of learned Shastris from several manuscript copies of the Sanskrit work which all admittedly contain several "clerical errors" and "inconsistent readings," the version is by no means an exact equivalent of the genuine text of Devananda Bhatta. The learned translator is not bold enough to inform his readers that his copy professes to give the purest text of the *Smṛiti Chandrika*. The reasons assigned by Mr. Grady for the condition of the translation on the ground of it not having been prepared from the undoubted text of the *Smṛiti Chandrika* are not only cogent, but sufficient to throw great discredit on the version. If the translation were faithfully made from an authentic copy of the *Smṛiti Chandrika*, the material and striking variations in the doctrines of Devananda Bhatta and Vijnaneshwara would not naturally or necessarily be grounds for questioning the correctness of the version or for criticising it. Mr. Kṛṣṇa Sāmy's translation of the *Smṛiti Chandrika* was prepared through the medium of Tamil sources. It has been characterized by Dr. T. Goldstucker as imperfect.

The late lamented Dr. T. Goldstucker, left for the press an edition as well as an English translation of the original text of the *Smṛiti Chandrika*. Both these works were prepared about sixteen years ago, but they have not as yet seen the light. It is not at all known when they will be published.

Varada Raja is the author of the *Varada Rāja*. He is said to have been born in the Subah of Arcot, and to have lived after the conquest of the Mahrattas. He was, according to Dr. Burnell, probably born in the Tamil province, and flourished at

the end of the sixteenth or commencement of the seventeenth century after Christ. The Varada Rajya is entitled after the name of its author. It is sometimes called Varada Rajya Dharmashastra, and is practically found to deal with Vyavahara only under the head of Vyavahara Nirnaya. The Varada Rajya treats of the doctrines of Vijnaneshwara with certain modifications, and quotes passages from his work without naming or acknowledging it. Unlike other Digests, the Varada Rajya is a short tract and is devoid of affected reasonings, but it always cites inaccurate texts and in the names of wrong writers. The work of Varada Raja is well known to the lawyers of Southern India. So far back as 1819, Mr. Ellis, the distinguished Sanskrit scholar, announced his intention of preparing a complete code of Hindu Law as generally prevailing in Southern India from many important treatises, of which the Varada Rajya was deemed one of the principal. The original text of the Varada Rajya has not been published. An English translation of the Law of Partition and Succession, from the Sanskrit Text of Varada Raja's Vyavahara Nirnaya, was presented to the world by Dr. A. C. Burnell, the learned translator of the Madhaviya. Sir William Jones's rendering of the text of Manu as well as Dr. J. G. Bulher's version of the texts of Apastamba, Baudharyana, Goutama, Nirada, Vasishtha and Vishnu, occurring in the original, have been made use of by the translator in the translation. The rest of the version is his own. The insertion of necessary foot notes to the translation as well as of an elaborate and learned preface divided into three sections has rendered the treatise useful and valuable. The version is a literal transcript of the original work. It was printed at Mangalore in 1872.

To Maharaja Pratapa Rudra Deva of the Kakataya royal family, king of Warankul, is ascribed the authorship of the Saraswati Vilasa, and this work was probably written by his direction about the year 1320 after Christ. The doctrines of the treatise once obtained in his territories which embraced Northern Circars, Hyderabad, Andra and a great portion of Kainata, and are still in currency in the Madras school. The Saraswati Vilasa

is not so remarkably interesting for practical information as in from historical point of view. It is a work of authority next the Mitakshara. The Sanskrit Text of the Saraswatī Vilasa has not as yet undergone any printed edition. Dr A C Burnell, the learned translator of the Vyavahara Nirṇaya of Varada Raja, has engaged himself in the English translation of the Law of Inheritance from the original Saraswatī Vilasa. He has not yet been able to complete the version and submit it to the legal profession.

Amidst the discord of the doctrines of the Mitakshara, Smṛiti Chandrika, Madhaviya, Varada Raja and Saraswatī Vilasa, the Dravida scholiasts seem to prefer the first to the next in order and so one after another. But this order of preference has been disregarded by the Madras High Court in many cases. The Smṛiti Chandrika has been allowed to override the Mitakshara even where the latter distinctly provides for the case. Of the above-mentioned Digests the works which supply the deficiencies of the others are preferred to the deficient treatises.

The works on the subject of adoption known to the followers of the Madras school are the Dattaka Chandrika by Kuvera, the Dattaka Mimamsa of Nanda Pandita, the Datta Mimamsa by Vidyananya Swami, Sri Rama Pandita's tracts on Affiliation, the Datta Bhushana of Krishna Misra, the Datta Chandrika by Ganga Deva Bajpai, the Datta Dipaka of Vyasa Acharya, the Datta Koustubha by Nagajee Bhatta, and the Dattaka Ratnakara. With the exception of the first four treatises, the others which are also general digests of Adoption, are seldom used as books of ordinary reference. No edition or version of these works has yet seen the light.

The Datta Mimamsa is a treatise on the Hindu Law of Adoption written by Sayana Acharya the writer of the Madhava who bore the title of Vidyananya Swami. It differs both from the Dattaka Chandrika and the Dattaka Mimamsa in a few respects. It has been neither published, nor translated into English.

Sri Rama Pandita *alias* Veda Pattabhi Rama Shastri was a very recent writer, and helped Mr Ellis in the compilation of his

work on the Law Books of the Hindus. He compiled a tract on Adoption in which he has referred to almost all the authorities on the subject. This treatise has not been printed or rendered into English. It is entitled Datta Mimansa.

In the Madras School the Dattaka Chandrika, Dattaka Mimansa, Datta Mimansa and Sri Rama Paundita's tract on Adoption, are the four principal favorite authoritative guides for the Law of Affiliation. But where the doctrines of these works are at variance, the first takes precedence over the second, the second over the third, and the third over the fourth in consecutive order.

In addition to the Pancha Grantha two other works on inheritance and partition which are also known to the followers of the Dravida School are the Smṛiti Mookta-phalam and the Daya Dasa Sloka. The Smṛiti Mookta-phalam has been written by Vayidya Natha Dikshita. It is a general digest treating of religious and legal topics. Its text has not been published or translated. The author of the Daya Dasa Sloka was Durgayaya, who was probably a native of Southern India. He was the son of Vasu Deva Acharya, and flourished about a hundred years ago. The Daya Dasa Sloka is a very concise work in ten stanzas, and contains a summary of the Hindu Law of Inheritance and Partition. The rules of law epitomized in the little manual are intended to be committed to memory and to be learned by rote. The text of the Daya Dasa Sloka has been the subject of a long and diffusive commentary. Neither the original work nor its gloss has been printed. An English transliteration and translation of the original text of the Daya Dasa Sloka appeared from the pen of the indefatigable scholar, Dr. A. C. Burnell, in 1875. The text of this author has been exactly transliterated and literally translated into English. Some foot-notes follow the version. The transliteration is preceded by a useful note which is little else than an ordinary preface. The translation was published in Mangalore. Another compilation of Hindu Law which requires mention in this place is the Vyavahara Darpana of Parabrahma Shastra. It was prepared from the Varada Rajya

and other legal treatises, and published in Telugu character at Madras in 1851

The approved Digests of Hindu Law current in the Dravida School generally cite the texts of the primitive legislators which are often quoted by the pre-eminent authorities of the other schools. Occasional references are made by the authors of the Dravida Digests to such commentaries and glosses on the text Books as give correct expositions of the legal doctrines propounded by the ancient law-givers. Besides these, the dominant Dravida authorities are found to cite sometimes the writings of anonymous writers as well as of Bhava Nitha, Deva Swami, Dhareshwara, Kavasha, Sambhu, Srihara, Udyota, Vishwa Rupa and a few others in addition to some well known Digests.

#### MALABAR AND CANARA LAWS

In opposition to the doctrines of the Hindu law prevailing in the several schools in India, and also in contravention of the law of nature, two systems of law chiefly derived from the capricious and selfish will of despotic governments and closely allied to each other, obtain respectively in Malabar and South Canara within the Presidency of Madras. The Malabar Law is designated Marumak Katayam or Law of Nepotism. It is ordinarily known as "the rule of nephews." It is the system of succession in the line of females, and prefers cognation to agnation. Parusa Rama, the first king of Malayalem, is said to have introduced the Malabar Law. But Shankara Acharya has been said by the author of Anasara Nirnaya to be the founder of this legal system. The Canara Law is termed Aliya Santanada Kattu Kattale, and inculcates the principle of the derivation of property from females. This principle is better carried out in Canara than in Malabar.

Bhutala Pandya Raya, a Jam chief who governed portions of South Canara in the thirteenth century of the Christian era, ordained the Aliya Santana law. He was also known by the name of Jaya Pandya the son of Vira Pandya by Satyavati.

The traditional account of the origin of the Aliya Santana law is here briefly subjoined —

A human sacrifice was demanded by Kundodara, king of Demons, of Deva Pandya, a merchant of Madura, who wanted to launch his new vessels laden with cargo. Upon which Deva Pandya desired his wife to permit him to sacrifice one of his sons, but he was refused the permission, while his younger sister Satyawati made a cheerful offer of her son Jaya Pandya, and accordingly gave him up to his maternal uncle for that purpose. Deva Pandya then handed over his nephew to the blood-thirsty demon who ultimately allowed the vessels to sail on the discovery of the signs of future greatness in the boy. Afterwards, Kundodara installed the boy on the throne of Ujain, dignified him with the title of Bhutala Pandya or ruler of the world, and put him in possession of his paternal kingdom Javantika. During the sixth year of the reign of Bhutala Pandya, the vessels of his maternal uncle Deva Pandya, which were under the command of Narayana Pandya, proceeded to a snowy and dark island, where they were all accidentally set on a bank of mire. Observing the state of the ships as well as the exhaustion of provisions and water, both the Captain and the crew began to be sad. While they were lamenting the miserable position in which they were placed Komdodara appeared and said —“O Narayan Pandya! Do not be afraid, but load the vessels with emeralds and liquids for the transmutation of gold both these articles are in the yonder western mountain, and pray to me at the same time. If you do these acts, you will see the vessels float.” Having said this Komdodara vanished. On his disappearance Narayana Pandya did what he had been directed to do. No sooner had Komdodara's directions been carried out, than a strong gale suddenly blew, which made the ships float and brought them into the harbour of Kalyanpur.

After the arrival of the vessels at the Kalyanpur harbour, Komdodara again made his appearance and demanded of Deva Pandya another human sacrifice. Whereupon Deva Pandya as before asked his wife's permission to sacrifice one of his sons. Impelled by the natural attachment to her children rather than by the love of lucre, she firmly protested against the represent-



ation of her husband, and publicly gave up her little and that of her sons to the green stones and liquids brought in the vessels. Subsequently the valuable property, was made over to Bhutala Pandya. Whereupon the king of Demons was pleased to declare his will that both the governor and the governed should henceforth be governed by this Law of Inheritance. Hence the origin of the Aliya Santana Law.

The Aliya Santana Law denotes the rule of sister's son (nephew), and is, therefore, the Rule of succession by the female line. The Marumak katayam literally signifies succession in the line of sister's daughter. In speaking of the Aliya Santana Law Mr. Strange observes — "In its details this Law corresponds with that of the Marumak katayam Law which prevails in Malabar, saving that the principle, that the Inheritance vests in the females in preference to the males, is in practice better carried out in Canara where the management of property vests ordinarily in females, while in Malabar the males commonly administer thereto." The original Aliya Santana Law has been published in the Canarese dialect at Mangalore. Mr. Singula Charriar Avurgal M. R. R. M. O., Canarese translator to the Madras High Court, made an English translation of the Aliya Santana Law which was published, in the Madras Journal of Literature and Science, No. 1 Third series, July 1864. Another English version of the Aliya Santana Law by Rama Swamy Naidu Ganroo Esq., B. A. M. R. R. B., Interpreter of the High Court of Madras, has also been published. Mr. T. Gapal Kistnab Pillay, M. U. C. S., Huzur Sheristadar of south Canara, reproduced in English the Canarese pamphlet on the Aliya Santana Law. This reproduction was printed at Madras in 1873.

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## THE HINDU FAMILY

### CHAPTER IX

#### *The Future of the Family system*

In the preceding pages, we have endeavoured to trace the growth and development of families from nothing into necessary

social units, and from necessary into convenient units of society. We have endeavoured to describe the status of the component parts of each unit, firstly, from a domestic, and secondly, from a legal point of view. We have endeavoured to exhibit the sort of feeling which subsists at present between the several component parts of that unit. Whether it is father and son, brother and brother, mother and daughter, or others connected by consanguinity or marriage, their feelings towards each other, as members of the domestic commonwealth are any thing but harmonious. We do not mean to say that this want of harmony is universal, without a single exception. But what we do say is, that the instances of misunderstanding and disunion are so many that exceptions inappreciably affect the rule.

Nobody more deeply regrets than we do that in the foregoing chapters, a prominent place has been given to some of the blackest characters that desecrate a Hindu household. But truth is our only apology in so doing, and let us humbly assure our readers that nothing but an exposition of the vices of the Family System with the desire of seeing its improvement has been our object.

We cannot possibly agree with that section of our countrymen who see perfection and beauty in each and every lineament of the native character, either individual, domestic or social. And our sympathies with them is *nil*, when by persistent efforts they screen from the European gaze our vices and follies. They may consider this as consistent with patriotic virtue, but our patriotic sentiments run quite in a different groove.

We yield to none in freely admitting that the Hindu Family had, and still in some instances have, charms and excellencies, which engender in us absolutely pleasureable feelings. Our infantile associations are so much blended with it, that to part with it, would cost us many a precious tear. With us, it has been an institution hoary with the reverence of age, and commanding with primordial authoritativeness. It contributed to the easy acquisition of wealth and to the cheapness of living or incomes which are no better than pittance. We were like the rushes in

the huddle,—weak individually, but strong collectively. Responsibility was with the subordinate members, a mere name, so long as the Patriarch was alive to wield his time-honoured authority. Younger members knew not what care and anxiety were, so long as the old people were at their elbow. The Hindu household afforded you the best arena, where you could extend love and generosity, kindness and aid, towards your friends and relations. Mutual help, forbearance and industry were nowhere better learnt than in the Family courtyard. The Hindu mother discharged all the infinite offices of domesticity. Her unflinching care, sincere affection, unflagging devotion in securing the good of the family, are unparalleled. The widowed relative's disinterested zeal, continuous toil, midnight vigils and other manifest acts of self-denial, deserve to be painted in letters of gold. *Karta's* strenuous efforts in bringing together means and appliances for the comfort of his children, his persistent desire to preserve the honour of the family unsullied, call forth from the inmost recesses of our soul, love and gratitude, esteem and reverence. In sympathizing with our indigent relations, feeding and housing them under the family roof, the family are influenced by commendable charity and good-will towards the needy and the distressed. The sentiments which propel us to look upon parents as household gods, our elder brothers as our masters, our younger brothers as loving dependants, are assuredly no ignoble sentiments. Our elder brother's wife was esteemed as a mother. Our younger brother's wife looked up to us as deified humanity. Between brother's wives, sisterly feelings existed. The elder's voice was to the younger a command.

But against the redeeming virtues of the family system, we have been enduring, for some time past, vices of such abnormal degree and magnitude, as have become a plague to Hindu society. Where sincere sympathy was stolid indifference exists. Jealousy and hatred have usurped the place of harmony, discordancy rides rampant. Deceit and spoliation have seized those who were heretofore the trustees of honour and property. A sense of distrust has possessed each member against every other member.

Family feuds, litigation, waste of every and all resources, are now every day occurrences. So that the Hindu Family has changed from a convenient social unit into an inherent and cumbrous mass.

Say what our countrymen may, our domestic relations are fast undergoing a revolution, appalling to contemplate. Let them but lay their hand on their heart and say whether domestic peace and happiness in joint families have not become rare. We appeal to their sense of truth and candour, honesty and fair play, to be informed, whether in lieu of harmony and smiles, the Hindu household does not exhibit one long tale of complaints and bickerings, insults and injuries, deceit and falsehood, heart-burning and spleen, malice and hatred, as between member and member. It is not confined to this sect, or that sect this caste or that caste, but the plague has paid its visit to almost every household, Brahmin or Sudra. It is only exceptional families, still in their archaic stage, that are ostensibly free from the above evils. In them, notwithstanding the now patriarchal environment, the patriarch's rule is still dominant. In some of them, the patriarch is the sole master of the family property, and it is he alone who augments its resources. But these are merely exceptional cases, which do not affect generalization.

The question which presents itself for solution to the social philosopher is, whether this archaic institution of the land should be retained, improved or demolished.

Firstly, about its retention as a relic of past times.

With a class of patriots it is customary to look aghast when outlandish ideas touch the penumbra of a Hindu institution. They consider the contact as savoring of sacrilege, and identify the destruction of archaic society with the wanton freaks of an iconoclast. There are others who love primitive institutions for their rare antiquarian virtues and become nervous at the prospect of their demolition. A third class who, though not Hindus in reality, cling to their tottering old institutions, because they can brook no measure of reform. But whatever may be the predilections of these various classes, the past history of the Hindu

family demonstrates with invincible logic, that it has become unsuited to the spirit of the altered times. We have endeavoured to show in the preceding pages, how its healthy action on society has been retarded by the growth of new ideas and new sentiments relating to self and to the individual as apart from the family. These ideas and sentiments have been felt, and admitted social elders, administrators and judges, as causing the disturbances of domestic equilibrium. So that if we are to judge of an institution by its effects, the consensus of testimony of these men who guide the helm of society is no mean authority for condemning it.

Reasoning *a priori*, let us pause to ask what should be the goal of a society's ambition? The ready answer would no doubt be—the attainment of the greatest amount of individual and communal good. It is this, which we are apt to call social happiness. Now social happiness, whatever it may mean, must follow from the healthy co-ordination of the objective environment with the subjective essence of a society. If the co-ordinates or any of them be disturbed, the product is disturbed also, and the reverse of happiness ensues with the certainty of a logical sequence.

Looking at the environment of a Hindu family, we find that a marked change has taken place. The cement of religion which knit together the several parts of the family structure, has considerably lost its moral cohesiveness. The military spirit which sustained and fostered joint living and joint ownership has completely ceased to exist. A change of political rule has secured greater protection of life and property than our ancestors ever dreamt of. Science and philosophy have opened up the hidden treasures of knowledge, so as to give extra food to the mind in all its manifold exercises. An infinite variety of contractual relations are hourly springing up into existence. So that the change of environment is a startling one.

Take its subjective essence, and a still more startling change is at once manifest. It is not merely the change of the essence as a whole, but change of its several integral parts. Notions

regarding self have supplanted family ones Individual thought, individual freedom, a sense of individual comfort, are perpetually on the increase How then could we expect the same quantity of happiness, when a radical change in the two ordinates has taken place ?

It would have been all well, if instead of possessing individual wills and desires, the family had been like Plato's Republic, in which they would run in sweet harmony as two currents of uniform velocity But constituted as man is, such a thing is impossible The members of the family have each his individual desires to gratify, each his faculty of self-love to caress or control Each has his rights to exercise and obligations to discharge Each has his work allotted to him and his meed of reward to enjoy Surely these are subject to certain economical laws They can no more be referred to *patria-potestas* for adjustment than can philosophical phenomena be referred to the region of moral sentiments for control Think of commensality being the test of coparcenary Think of the widow being a mere trustee of her husband's property Think of *karta* being legally entitled to a portion of his son's earnings Think of the restrictions put upon woman's rights And then say, whether it is not high time that the doctrine of *patria-potestas* should be knocked in the head, patriarchal government overthrown, and the joint system disintegrated

Secondly, ought we to improve the joint system ?

If so, what should be the *modus operandi* ? Some are of opinion, that the education of the females would set matters right, and restore to the joint family what it has lost Education may in many cases give a balm to such of the parts of the domestic organizer as are discussed Education may devote the minds of our females, and render them indifferent in matters, to which an undue importance is now attached Education may cultivate the feelings, and imbue them with reverence, affection, sympathy—all those virtues which draw human beings together Education may transform them into better mothers, better wives and better relations But even here the result would be a half

success, for however the younger females are susceptible of improvement, nothing is capable of improving the old people whose case is hopeless

So that supposing the younger females to be properly educated to become good family members, still the old people would, for want of culture, be wholly unable to reciprocate the good feelings of their juniors. Already education has been the source of much internal warfare between the young and the old male members, and should the same agency be extended to the females, it would produce the same unhappy consequence. In fact, joint family would become then one stage short of absolute dissolution, and the incompetency of education as a forming agent would be proclaimed.

If education cannot accomplish the eradicating the vices of the joint family system, what can do it? Try religion and the cultivation of man's religious propensities, and see whether the test would succeed. But on the threshold of this attempt the experimenter pauses and asks, are not the Hindus sufficiently religious in their thought and deeds? Are not their old people and females steeped in religion to the very throat? Their's is not a religion of metaphysical abstraction. It is gross as sense—fetish and corporeal. The Hindu wife is trained from her infancy to view her father-in-law, mother-in-law and her husband, as gods and goddesses, whose slightest wishes are holy mandates. Is it possible to have a stronger religious basis than this? The Hindu son is taught to view his parents in the same light, and can we say that the element of religion is wanting to engender in their bosom the feelings of reverence, gratitude and love towards them? Can there be a stronger cementing thing than what the Hindu religion furnishes in entwining the different members with one another? And yet, far from promoting domestic harmony, the results are diametrically opposite.

Education and religion failing, we are at a loss what other efficacious anodyne to apply in attaining our wished-for result. We hit upon this specific and that quack-drug, till we find to our dismay that there is no vitality in our domestic body, and that its dissolution has become only a question of time.

Thirdly, about the demolition of the joint system

The joint system is destined to die a sure death, and nothing on earth can possibly prevent it. The collapse of its frame already set in, is ominously significant, and no re-union of health and vitality is possible. At this stage, it would be the height of cruelty to inflict on its shattered frame any blow with a view to expedite its death. We therefore heartily deprecate the introduction of any measure, either legislative or administrative, that may tend to that end. Legislation, vigilant administration have certainly their uses, but when they meddle with the private and domestic affairs of men are worse than plagues. Neither is it our desire to see our Judges twist and distort the law of Hindu coparcenary, so as to encourage separation of joint rights and joint interests. Let the thing alone, say we, to take its natural course.

Suppose for a moment that the joint system has ceased to exist, and it devolved upon our countrymen the task of re-constructing society upon its ruins, what should be the ways and means of doing it? Those who advocate the superior merits of human measures would probably propose a thousand to achieve that end. But however perfect may be the measures and however sustained their exertions may be in its application, they can not hope to succeed, unless and until Hindu society had adapted itself to the spirit of their measure of reform. Man's history proves the indisputable fact that no reformation is permanent, until the reform and the object intended for reform, possess all the conditions of adaptation. The great Reformation in Europe for which credit is given to Martin Luther would have ended in smoke, had not Europe been morally prepared to receive and appreciate its truths, and if the Reformation proved to be a grand success, it was due to the improved moral condition of the people. If the joint family system as it is, has manifested symptoms of decay, let our measures of reform be addressed to the removal of the symptoms with a view to the reorganization of the system itself.

How a close observation of the working of the joint system



has revealed to us the fact, that whenever a family receded from its primitive harmony into an abnormal disunion, the sooner the coparcenary was dissolved harmony was restored. With the dismemberment of the joint family and partition of its property peace and happiness, friendship and sympathy, have revived, and discord and quarrel, antipathy and hatred, have become things of the past.

Segregation being therefore an indigenous form of cure, the reformer of Hindu society ought apply it to arrest our domestic evils. Whether you reason from principles to facts or from facts to principles, its good effects in the long run cannot be gainsaid. Segregation however beneficial is not possible under all circumstances. For instance, it would be a great social scandal if a father were to turn out of doors his minor children. Segregation should take place on rational principles. Let children be told that immediately after their education is finished, they are to sever from the family. Let a decent portion be given to them wherewith to build their future fortune. They may take a co-partner in life, but beyond obtaining periodical help, if not in affluence circumstances, they were to expect no more. Far better, infinitely better this plan than the existing one, which compels *karta* to maintain not only his own family, but his son's wife and children, to his infinite vexation and chagrin. Already the *karta* is burdened with an amount of care and anxiety for his grown up children which no other civilized society would tolerate. Not to speak of the straining of his old energies to make the two ends meet, which it is the duty of his grown up children to do, it becomes positively sinful when his resources are squandered by them to the prejudice of his younger children. But matters do not stop here. He must maintain his widowed daughters-in-law, as a piece of moral obligation to discharge. We have known the poor *karta* dragged into court for maintaining these dead weights, for no reason whatever save that he was foolish enough to marry his sons who could not earn their daily bread. With respect to other members there could be no difficulty in separating them. We do not advocate the segregation of

such of the helpless members, over whom it is *karta's* moral duty to exercise guardianship. But what we do seriously recommend is, the breaking up of the coparcenary, when the coparceners have attained the years of discretion. If this be so, *karta* would not, in the least, have to complain of the hard and fast rule of commensality being the test of co-ownership of the drone and the busy, here predicated together. *Karta* would cease to be amenable to the claim of his brother's widow or his niece-in-law, for her share of the family property. Segregation will also bring in the train of its beneficial results, several moral and social virtues, the possession of which is highly desirable and the want of which is a crying shame in the character of young Bengal. These are —I Self-reliance

Say what our national apologists may, self-reliance is a virtue, the utility of which the native mind has never perceived until lately. The mellow date-palm is on our lips, but we are too idle to exert, no, not even to take it in, by opening them. Even when grown-up boys, our fond mothers used to feed us morsel by morsel, as if we were so many canary birds. If, in our boyhood, we quarrelled with our play-mates and were beaten, we took the name of 'ma' and 'bap' in the midst of our agonies, or persuaded our parents to come out of the house to take up our injured cause. Was it a passage in our school-book that we did not understand or a problem of arithmetic we thought to be rather difficult, we took it to Governor for explanation or solution, without thinking it out ourselves. While young, our disputes with the baby-wife were invariably referred to our mother's arbitration. Oh there are parents, I have seen and children also, who can not tolerate existence when separated, though temporarily, from each other's company. This yew-and-ivy combination is much to be condemned, as pernicious to the children. And thus self-reliance is not known and appreciated till the death of the parents demonstrates its dire importance. So that if in the arena of the Hindu family, we see instances of sons relying on their father's bounty, or fathers expect out of their son's gains, or brothers consuming brother's resources, or sisters serving as hand-maids of

sisters, they are ascribable to the harmonious influence of the system, whose aim and end is to ignore the virtues of self-reliance in the drama of life

## II Self-exertion

Following as a necessary corollary from habits of self-reliance, the members of the family would individually take to work to improve his condition. And what a refreshing sight would it be to behold this ! Instead of seeing some members being worked to death, and others simply consuming the former's gains, we shall see every member working, to minister to his own wants and comforts

## III Increase of national wealth

Judging from an economic standpoint, nothing is so greatly demoralizing to society as the habits of indolence, and if all felt the necessity of working for their daily bread, their condition would be materially improved both individually and socially. And instead of having a society of members with stunted and limited means at their disposal, we shall have a greater quantity of wealth added to our national exchequer. All this may appear now to be perfectly Utopian, and for expressing these sentiments, we may be covered with abuses, but truth will triumph in the end, and what is now Utopian will shortly become verified reality

## IV Improvement and better preservation of property

*Amopos* of this branch of our subject, we deem it fit to state once for all, that properties held in coparcenary are about the worst managed and preserved. This fact is so widely known and admitted, that to illustrate it would be quite a superfluity. The records of our Courts and public offices bristle with instances numerous to leave room for any rational doubt. In sooth, the principle that 'what is every body's business is no body's, underlies the systematic neglect which the joint owners evince. Joint estates are conspicuous by their presence in the Collector's notification of periodical sales. Joint estates are taken in execution of decrees to be knocked down for the most insignificant of prices. And passing strange that in some cases there is a sense of relief experienced by the proprietors at the thought of the severance of

their connection with those cursed properties. So far then as regards preservation. In regard to management, it is like the management of the body of an unfortunate Brahmin, who blessed with a couple of wives, had one of his legs smashed with a stone and another cut with a heavy knife, that his wives may have retributive justice as against each other. We know of a recent instance, where large properties had to be made over to the Government management, simply because the proprietors could not brook the idea of a joint management. We know of a great many instances where simply on account of the incident of joint ownership subsisting, the owners got hopelessly into debt and were irretrievably ruined.

When joint estates are thus managed and thus preserved, the idea of improving them is simply absurd. Our homely adage is, that 'the dying mother of many children is rarely carried to the holy river,' and this is true in regard to the improvement of joint properties also. Why should a co-sharer bestow his capital and labour on a thing with the object of improving it, when others would reach the benefit of his exertions?

Should our economic polity therefore start with the motto 'no exertion—no improvement let things as they are'? Is it not deplorable, nay heart-rending, that while there is progress and improvement all around, our economical policy should be one of 'masterly inactivity'? Science and art, steam and electricity, are daily converting arid Saharas into spots 'flowing with milk and money'. New manufactures, new industries, are springing up around us with new life and new vigour, almost from nothing. Speculation is busy making fabulous capital out of transformed rags. Mines dug up, gold picked up from sand, jute converted into velvet things. And yet in the teeth of these tangible and soul-stirring examples, we sit with our arms folded to vegetate in our masterly inactivity to fondle a system that is dead set against all improvement.

V Abatement of the Benami vices. It is not necessary to state here that the joint system is one of the main stays of the *Benami* practice in India. It would be monstrous if *Benami* trans-

actions had not existed under the circumstances, when joint living under the family roof is the criterion of joint interests according to the law of the country, it is but natural that the busy bees of the family should devise a plan to ensure greater security of the property they acquire. If it is acquired in their own name, it is liable to be taken in as family property, and it is only where the acquirer undertakes the heavy burden of proving self-acquisition, that it is released from the family grasp. Far better, that a fictitious title should vest in the Benamidar than that the acquirer be made to bear the heavy burden imposed by law. While such is their necessity, we cannot help advert to a degree of demoralization, attendant on *Benami* transactions themselves. It is demoralizing to the trustee and to the beneficial owner alike.

#### VI Revival of friendly feelings between kinsmen and relations

We forget the name of the ancient philosopher who said, that 'an unsociable man is either a beast or a demigod.' In fact, among men, nothing is more manifest than their instinctive desire to associate with each other. Even among savages and children this golden rule prevails. Friendships in their perfect form exist among people who had shortly before been absolute strangers. Is it not therefore strange that while the innate instinct of man is to associate, perpetual feud should exist among the members of a Hindu family? that each should be an eye-sore to his fellow? The reason which lies at the root of this evil is the existence of certain disturbing causes which are thus briefly summarized. These are, an interference with the natural rights of an individual member, and an infringement of his legal ones with a view to the aggrandizement of his fellows. It is these which perpetually have an irritating effect on the domestic organism, to the serious detriment of its health and prosperity. One salutary effect of segregation would be the removal of these irritating causes, and necessarily the individual organic units would be thrown back into their normal state. When this healthy reaction sets in, kinships and friendships would revive, and all those good offices which it is habitual with man to interchange with

man would flow with rythmical order Domestic murmurs, bickerings and heart burnings, quarrels and complaints, would at once die out, and brother would once more become brother, cousins, cousins and relations, relations, all wrapped in one long embrace of sympathy and love, affection and good will

#### VII Increase of social responsibility

With the dissolution of the Family-system, there must inevitably spring up a stronger sense of social responsibility in the segregated individuals Time was when on the part of subordinate members of the Family it was *nul* Time was when the *karta* alone was amenable for the doings of his family Constituted as things are at present, though individual social responsibility as on the part of the subordinate members obtains to some extent, it is hemmed and hedged by obstruction, physical and moral that finds no healthy development At present that responsibility is like a plant growing in a hot-house, that knows not the scorching rays of the tropical sun or the nipping frost of the icy north Widow marriage, education of females, and a hundred other measures of reform, are theses, to which young Bengal is merely a convert subjectively He shakes his head in hopeless despair, if you ask him to show his faith in practice It is impossible, as he is completely within *Karta's* clutches Young She-Bengal is in no better plight Patriarchal rule is still so rigorous within the four walls of the Zenana that to wear a coat or put on a pair of boots, if it was only for her bodily comfort, is denounced as immodest, unladylike and improper

But this is not all The family is impregnated with a sense of false modesty, that prevents the younger members from discharging their most insignificant connubial duties Is it illness or sorrow? to be at the bed-side for his or her comfort or consolation is regarded as immodesty or bare facedness, in the estimation of all elderly people Even to lament his or her loss is similarly stigmatized

Before concluding the subject, there are one or two observations we would make touching the effect which the demolition of the family system would have on Hindu society The grand

effect would be that society would have a scientific basis to rest upon, consonant with the scientific spirit of the times. At present, the system wholly rests upon a superstitious foundation, modified and patched up by such rules of expediency, as have forced themselves into it, to preserve the tottering fabric from a fall. In fact the foundation is an admixture of sentiment and utility, of fiction and truth.

It is not our intention to underrate the salutary action of sentiments, in the formation of societies. In certain stages of social developement, the service rendered by sentiments, by superstition and ethics has been invaluable, and human history attests this to the extent of a mathematical demonstration. So that when men's sentiments of gratitude and affection, esteem and reverence, led them to view *pater-familias* as a household god, to whom all honour was due, it operated marvels, in the shape of social organization. But after society had attained a certain stage of development, the operation of sentiments would come to a standstill, and further on would be prejudicial to its vital interests. We ask, whether the Hindu society has not arrived at that stage of development, such that the action of sentiment must be inappreciable. We are, if we mistake not, in the midst of a rigid utilitarianism, and nothing is good but what is useful. All measures of reform are now received, not through a sentimental medium but through the spectacles of stern utility. What we therefore want is, not so much of sentimental affection for our brothers and relations, in re-organizing our system, as their useful co-operation as citizens. Society when placed on this platform of utility, is sure to thrive. Our acts of self denial will no more be esteemed as manifesting asceticism, but useful in redounding to our benefits. The present age is a great worshipper of 'self'. Disturb 'self' worship and society is convulsed to its foundation. The Hindu joint system has become a source of much irritation, simply because it interferes with 'self-worship,' and the demolition of that system is called for, because the 'self-worship' clashes with it. Utilitarianism is destined to revolutionize the ancient Hindu home. Patriarchal authority will

ere-long vanish before its bright effulgence, and the future historian of India will narrate one long and continued state of happiness domestic and social, peace and prosperity

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## RAMBHADRA, OR THE MOFUSSIL HAKIM

### CHAPTER V

It is very curious but nevertheless true, that tyranny and cowardice should be inseparably linked together. Human experience attests the truth of it beyond the shadow of a doubt, your tyrants, great or little, are great cowards when removed from the arena of their tyranny. Cæsar, Belisarius and Mahomet carried fire and sword, vengeance and cruelty wherever they went, leaving behind indelible signs of slaughter and devastation, famine and anarchy. But they were quite harmless and inoffensive when they were at home, and worse than that, their life at home was one of absolute passivity. They submitted without a grudge to a rigorous curtain-government, the policy of which was, 'down with man, down with his reason and freedom, and glorify woman.' Thus with *little* tyrants, your despotic administrator or self-willed Judge, your unflinching lawyer or merciless surgeon, your savage constable or hard-hearted jailor, your sour-looking school-master or demure priest, albeit little tyrants by the way, are but despicable cowards at home. Why matters should be so, is not easy to understand. Possibly it is the will of Providence that oppression should be punished in that way. Or probably it is a further verification of 'Mr. Gaillo's being guillotined.' We cannot pause here to discuss the matter. All that we can do for the present is, to add another name to the long list of coward tyrants or tyrant-cowards, whatever you choose to call them.

Vyce's *dewan*, though a monster in the 'Father-in-law's' was a great coward in his house. He was a family-man. He had for his partner in life, a woman by the name of Hirimba, a tall skeleton-like thing, with a hatchet face, reptile-like eyes and vixenish features. Her colour was copper black,



and the habitual baldness of her head was screened by the constant use of a balck paste made of burnt corks and sticky mustard oil. Her voice was like the sound of a cracked gong, and naturally enough was too much for a mortal tympanum to endure. She was a veritable scold and such a scold ! Her articulation was a source of infinite discomfort to the neighbourhood, when with her cloth round her waist she would sally forth into the street to let loose her tongue interlarded with the gestures of kitchen oratory. At home, she was sparing to stinginess, strict to clock punctuality, hard-working to servitude, covetous to extortion, and to crown all, was possessed of jealousy unprecedented in the annals of womankind.

She had a daughter who was called *Tanaka*, and such a favorite child she was ! She was now eleven years of age, of a light sky-blue colour, stout and well proportioned in her form, with a crop of rich black hair on her head which commenced almost from her eye-brows. The character of the girl was a bud now, the petal of which awaited a disclosure, but every body including her beloved mother said that she was a 'baby' of rare obstinacy and explosive anger.

Ghaneshyam's establishment consisted of himself, his wife and daughter, and a hag-like maid of all work, no body knew what her name was, but she was known in the house as Megha's aunt, and was called as such. Her eyes were watery, nose hooked, lame in one foot, and her hair was sable silvered. She constantly chewed betel leaves spiced with raw tobacco. In addition to house-hold work which she did, she was her mistress's confidante. She would put in her mistress's way the latest news of the world outside. Sometimes she would counsel her mistress when there was a crisis in the house and put into her hand herbs and roots of quality serene, wherewith she may, Circe-like, enchant poor Ghaneshyam and 'make a sheep of him'. And to tell you the truth she (our lady) had firm faith in the potency of those herbs.

It was a Sunday. Ghaneshyam had been permitted by his master to make a holiday of it and to be at home. He got

up late and as he was washing his face, he heard his wife saying something in an unusually loud voice, in the kitchen. He could not catch the earlier portion of her peroration but the latter portion went as follows —

“ Old fool of a man ! to rise from bed at 10 o'clock in the morning and sleep like a buffalo for the whole night. It's intolerable, and then again to get up and not enquire whether there are eatables in the house and what his wife and child are to eat ” Had Ghaneshyam been Young Bengal, he would have asked ‘ Hrimba, dear, what are you saying ’ But he belonged to the old school, and for people of his school to utter the name of wife is sacrilegious, so whenever he had any thing to say to his wife, she was addressed as ‘ Taraka's mother ’ In the same way when Hrimba wanted to say anything to her husband she called him ‘ Taraka's father ’ ‘ What's in a name ? ’ asks Shakspeare in one of his fits of dogged scepticism. The answer is ‘ much ’ The present century boasts of a science which treats of the right use of names. We call it *nomology* and nobody doubts of its intrinsic utility. If *gastronomy* had been substituted for *astronomy*, there would be a tooth-and-nail war between Hadley's Sextant and Lea and Perrin's Worcestershire sauce between a cold fowl and Nore's nautical almanack. Verily, there be names that are euphonious and names harsh as the grating thunder, and only name names, you thereby call up associations, pleasureable or the reverse as the names are sweet or harsh. ‘ Hrimba ’ and ‘ Taraka ’ are harsh names, and for aught I know to the country, the critical reader has already made up his mind what their character would be like. I can only condemn his foregone conclusion and not the names, and my only apology is, that those names were given by the parents of the parties, for which I am not to be held accountable.

Hrimba's peroration in the manner described above was understood by her husband. It had no reference to their condition in life, which was affluent and smooth. She was complaining that her stock of provender had nearly come to zero, and she was giving a terrible hint to her lord to go out and buy it from the neighbouring fair.

‘Taraka’s mother,’ said he, ‘what’s that you are complaining of?’

‘Have you so soon eaten up the head of your ear?’ But rest awhile and you will have plenty of ashes for breakfast

‘But could not you say softly what you wanted, dear, instead of making all this row for nothing?’

‘Don’t sermonize in that way, you old coxcomb. My temper is out, and won’t spare your parents, if you go on teaching me morals. I am not a girl that is to be taught.’

Ghaneshyam had only to fetch a deep sigh and say softly,

‘I will have nothing to say.’ He then changed his clothes, took down his beads and told them a hundred odd times. Again his wife’s rhetoric commenced. ‘Ah, I can’t hear it any longer. My parents have, by linking me to this idiot of a man, thrown me hand and foot bound into water. This corpse of a husband has no stomach to contain food and he must needs eat only a portion of it which I have been sweating and frothing in the mouth to prepare. To-morrow you will have to gasp for food, mind you—eyeing her husband with a menacing look, and throwing the food to the domestic cow.’

‘I was unwell last night, darling. It was desperate headache, and I was almost senseless. So I could not eat.’

‘Headache? why you would get headache soon with all that lump of opium you have commenced taking. It’s no good sign. It costs me about six pence a day, and for all that we get headaches and perpetual dozing. You are, old man, on the high way to——’

At this time, Taraka, who had been much enjoying her mother’s rhetoric, came out of her room near where her father was sitting. The sight of her threw her mother once more into a scolding fit.

‘Oh ho, old man,’ screamed she, ‘do you see that girl now? Have you eyes to see? It’s your opium that has closed up your eyelids. I hope they would be closed for ever that my bones may be cool. Don’t you see she is of age. I have entreated you till my mouth was all froth, to be on the look out for a

lad to marry her. But you are indifferent to stupidity. Don't you know, you burnt-faced fellow, that for a daughter to attain puberty under the parental roof thrusts into the infernal pit one's ancestors up to the fourteenth remove? Ah, you smile, and look doubtful, because your father nor grand-father never married or had to marry anybody!

Ghaneshyam considered himself greatly insulted, especially her last words were tantamount to questioning his parentage, but poor man what could he do? He turned the beads more quickly than ever that he may get out of the house. Then wishing to see matters terminate happily, he said in a very quiet voice, what you say, Taraka's mother, is very true. Excuse me for my past indifference in that respect, on my knees I implore your pardon. Have mercy on me, my sweet darling."

Hirimba laughed in her sleeve, as she thought see was lucky to have such a lamb for a husband. Then in the evening when there was a soiree of females in her house, she extolled the uncommon virtues of her dear husband, thanking Heaven for having put him in her way and calling him a jewel of a man.

Reader, your heart is now palpitating, lest I may identify, your condition with Ghaneshyam's and call your wife a 'Hirimba.' There is no such sinister thought in me. Only what I thought of saying was there are many Ghaneshyams and many Hirimbas in this wicked world of ours. How many husbands there are that actually groan under a wedded life. How many there are with whom but for being united to a jealous wife, food is no nourishment drink insipid, and sleep is no rest. They toil and sweat, foam at the mouths that on the first of the month they may offer their pay at the feet of the avenging goddess. Their daily life is a continued series of deaths and resurrections varying with her frowns and smiles. They feign to be indisposed when they are not so, lest their friends take them out to an airing or to a dinner party. To stay away after nine o'clock in the evening is worse than gallows. Well may our lady deserve the poet's compliment, when he says —

“——You are pictures out of doors,  
Bills in your parlours, wild cats in your kitchens,  
Saints in your injuries, devils being offended,  
Players in your housewifery, and housewives in your beds”

*Othello*

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RAMBHADRA, OR THE MOFUSSIL HAKIM

CHAPTER VI

‘ Khoochil Koloo’s throat is cut from ear to ear ’ were the words, which an old char-maid uttered, and repeated as she took her morning round, with the load of fire-word on her head. She was taking her round with unusual haste that morning, not that the appalling news had in any way put spurs to her feet, but she was in mortal terror of something else, which was sure to happen whenever an unnatural death took place in Sivnibas. It was a foul morning in September. It had rained the previous night, and even in the morning of which we describe, there was drizzling accompanied with a hissing wind from the east, which at times rose to a moaning sound. All the world appeared to be cheerless, the cattle drooped, and the feathery tribe sat mute in the nooks and hollows of trees as if reluctant to welcome such an inauspicious morn.

Anjana had been dreaming a very bad dream about that first crowing of the cock, and as it referred to her son, was feverish with anxiety. She tossed in her bed to and fro, without being able to close her eyes once more. As the morn in ‘ russet mantle clad ’ peeped through the lattice of her window, she got up from bed, had a look at a picture of her favorite god (Jagannath) that hang on the wall, and after saying her short-prayer ‘ oh my god, make this morn propitious,’ directed her steps to the street door with a basin of water in her hand.

She opened the street door, and while she was sprinkling some water on the threshold,\* she heard the char woman publish the dreadful intelligence. Her first act was to awake her son, who was yet asleep and inform him of the news that they may all forthwith leave the village.

Other matrons of the village had done precisely the same thing which Anjana did, so that before the iron tongue of time [there are no clocks in villages] had proclaimed the hour of seven, the whole village was ringing from one extremity to another with the name of Koochil Koloo and of his unhappy end.

How the poor man came by his death after that horrible fashion, and who the perpetrators of that foul deed were, the police would be in a position to tell the reader. But sure it was, that the victim lay stiff in his bed, all red with coagulate gore, out in the throat from ear to ear.

As a police inquest into the cause of the death is inevitable it is better to inform the reader of some of the unfortunate man's antecedents. The reader recollects that he was an old man, who had married a young wife, fit to be her grand daughter. The reader also recollects that her name was Kokila who latterly became rather intimate with her nephew Bangshi, and that she had on one occasion made up her mind to quit her husband's home, as she thought it was no better than a grave.

Now Koochil being an oilman by profession, and the only oilman in the village, had amassed about £25, and it was noised abroad, that he was a very rich man. His first wife had died of puerperal fever, and the baby of the 'blue and black,' when he was thirty-five years old, and though Koochil was illiterate yet he had a residuum of affection for the departed, that he held the fortress of his mind against the javelins of a second matrimony, and that for the space of twenty-five years. In an evil hour, he listened to the counsels of a cousin of his, a woman who was his elder in years, and consented to marry again. He thought that in his old age, there should be in the house some body 'to feed and serve him,' to nurse him and solace him. Be-

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\* Meaning purification of the house in the morning

sides what really mortified him was the frequent remark of the mischievous lasses of the village, who as they saw him pass, exclaimed, 'there goes the old bachelor' the empty house-owner, the luckless fellow who has no body in the world to sing out his dudge!' So that what old Koochil did, is precisely what you or I would do, when similarly situated, unless you are *alla* Platonic in your sentiment

Kokila had the misfortune to be born of parents who were indigent, and the prospect of seeing her become the wife of a rich man, albeit with one foot in his grave, with plenty to eat and plenty to wear, was to her parents quite charming Besides, the hope of obtaining £5 as an earnest for the marriage contract, and Koochil's oil machine and effects when he was dead and gone in expectancy, were a further inducement. So one auspicious day, Koochil was shaved and anointed with oil and turmeric\* and then carried in a litter to become once more happy in matrimony Kokila was then old eight years of age She asked her mother many silly questions previous to the nuptial string being tied, 'what marriage was, how it tasted,' 'whether mamma was married and to whom' all of which produced no end of merriment

The nuptials over Koochil comes back to his house, and for the following ten years his wife remained at her father's During this time, she had grown up into a pretty fine woman, and had picked up all the experience of the world she wanted She had friends and mates whom she in a spirit of friendliness called her 'rose' or 'otto' or 'pink' or 'lily,' but of the entire brood of her friends, there was one whom she was madly attached to She called the person 'Aunty,' and Kokila was rather a frequent visitor at 'Aunty's'

One evening Koochil accompanied by four bearers, a small litter, a priest and a maid-servant, all on a sudden came to Kokila's father's house, and the demand of her person was authoritatively made to her parents There was no alternative left but to send her to her husband's, but before that was done, the

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\* Bridegroom's toilet in India.



son-in-law and his people were entertained to a sumptuous dinner. Kokila sent up a terrific cry as the idea of leaving the parental roof shot through her heart. She cried and cried till her eyes became blood-shot. Mamma consoled her in the best manner she could, telling her that husband's house was the paradise in which she as Lukshmi\* would thrive, and that crying was inauspicious. Her hair was then oiled and arranged in the best manner possible, a full blown rose was put in the hair-knot, some vermillion was put on her forehead, and a small dot about the size of a pea was painted with a solution of catechu between her eye brows. A new piece of cloth was given to her to wear, which done she addressed herself to bidding her parents farewell.

Koochil had an interview with his wife about this time. She sobbed and cried aloud in his presence, and especially the thought of separating from dear 'Aunty' broke her heart.

'How can I have life without Aunty?' sobbed she, 'she is dear to me as an angel. Oh Aunty—Aunty!'

Koochil felt much affected. 'Who's this Aunty, again?' thought he, but again that irrepressible cry of "Aunty, Aunty—sweet Aunty," met his ears.

He begged his wife to be calm, implored her to say what he could do for Aunty, and went the length of taking Aunty to his house for her delectation.

Kokila smiled through her tears—thanked her husband for his indulgent kindness, and prepared herself to depart.

She went to her parents to receive their benedictions, and these they gave with all their heart. "Do thou bring forth a son—and live long to make your husband happy," was the parents' blessing. Her father's sorrows did not find any other manifestation save when he turned his face there was a large tear-drop, hanging on his eye-lid. But the mother, good heavens, what a yell did she give out, as she saw the door of the litter close round her daughter, a yell that shook the firmament, and made the entire village echo and re-echo with reverberation 'oh my sweet darling, the jewel of my lap, the flower of my bosom, the lamp

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\* Goddess of beauty and plenty

of my darkened cell, where dost thou go! Your toys and play-things linger behind you weeping your separation. My kitchen pots and soups, my fish, curry and vegetables, are crying for you, who will take them, my sweet, now that you are going." And she went following the litter and crying till it had come to the outskirts of the village. Then giving forth a still louder yell, she retraced her steps to her house, to complain of head-ache, husky voice and loss of appetite that night.

'Aunty' and Kokila had been comfortably accommodated in Koochil's house. He spared no pains to make his wife happy, as far as he could. 'Aunty' was always veiled in the face, because she, according to the custom of the country, could not expose it to her nephew-in-law. It was only when Koochil went out in the evening to say his prayers in front of the temple of the village tutelary god, that she and Kokila were at ease, after the street door was shut. They would sit together and whisper into each other's ears pleasant things.

A fortnight was passing away, since the advent of Aunty into Koochil's house, and she was thinking of going away. Why? Because she was getting nervous. Sometimes she would start when a rough wind would throw aside her veil, and reveal some extra hairy vegetation in the face, uncommon among the fair sex.

Please don't start, reader. I swear, it is no man disguised as 'Aunty'. It's a veritable 'she' we are talking of, only somewhat hairy in the face.

With Aunty's departure, Kokila became cheerless and downcast. Her husband handed over the keys of his treasure-box, and left every thing to her sole management. Kokila gave him in exchange her services. She set before him dainty dishes which her culinary art had turned up. While he sat eating, she was by his side with a fan in her hand, cooling his body. She prepared him the betel-leaves, pounding the nuts that her husband may not know he was toothless. She would then prepare the tobacco and hand over the pipe to him to regale himself with.

Old Koochil, simple as he was, thought his wife was 'Love' herself. In his jaundiced eyes, she was 'Virtue incarnate,'

and Kokila endeared herself to her nephew Bangshi. Bangshi was known to be a well behaved lad, and to give old Koochil his due, he was free from jealousy.

While matters were thus, Koochil fell into a protracted illness. It was a low typhoid fever that was eating up the fountains of his life. Kokila nursed him with a surpassing assiduity. She fed him as if he was a child. Latterly when her husband was fast sinking, she thought the work was a great bore, and wished from the bottom of her heart that her——no she herself had kicked the bucket soon, that her bones would become cool. Such was the state of her mind when her husband's murder took place.

“ Oh shame !

Oh sin ! oh sorrow ! and oh womankind !

How can you do such things, and keep your fame,  
Unless this world, and t' other too, be blind ?”

BYRON

## CHAPTER VII

Have you ever seen the march of a detachment of troops up the country and their halt near a road-side inn ? Lawn or meadow, garden or farm, whatever the spot may be like and who ever may be its owners, the sons of Mars squat on it with their long array of horses and mules, camels and elephants, carts and tents, servants and all, without any ceremony. Tents are pitched, carts and baggages arranged, animals are housed with a rapidity inconceivable. So that what was before a wood or a garden is soon transformed into a habitation bristling with men and animals, and things inanimate. Then the matter of receiving rations comes up. The rule is for the Zemindar or other proprietor to be ready with rations. His men are on the scene with rice and pulse, meat and vegetables, grain and grass. But who should wait to see a fair doling out of the rations ? That cannot be, the eatables are actually plundered and Zemin-

dar s men get a licking to boot A reign of terror pervades the entire plain and round about The peasants skulk away from their field, lest they should be drugged to work gratis, not a cart is to be seen on the road for fear of a similar fate

In the morning and evening, the gallant soldiers are seen patrolling the rustic lanes, sometimes pouncing upon the poor grocer's goods, sometimes breaking down an old woman's fencing to wrest from her her brood of kids, other times climbing up trees to take down their sweet burden, and occasionally running against a young woman to do violence to her person or against a gentleman to insult him During the stay of the troops, the people of the adjacent villages leave their homes, carrying with them what valuables they may have, just to keep their honor and that of their females inviolate

Such or nearly such was the scene which the village of Sivnibas presented on the morrow after Koochul's murder True, it was not the advent of any detachment of troops into the village, that threw the villagers out of their equanimity, only the alarm was given that the Darogah (Constable) was coming to hold an inquest into the circumstances under which poor Koochul was murdered And truly, in those days, the police were a formidably lawless set of people For insulting, annoying or oppressing his neighbour the Darogah's power was second to none Even the magistrate under whom he served was not so powerful So that, it frequently happened that ignorant rustics who had received justice at the magistrate's hand, blessed him by wishing him to become a Darogah, as if Darogahship was a higher post than magistracy itself

Nuffer Samadar, for that was the Darogah's name was an elderly man, aged fifty He was of sooty black colour, red eyes which protruded from their sockets, short and well built in stature, with a pair of Cossack moustache, that descended to his chin He was lame in one foot, and had a deep scar on his forehead about half an inch deep, which deformities he had on account of a scuffle with Radhu a dacoit, whose name is well known to us Nuffer carried a silver-headed bamboo club with

him, as he was an object of considerable hatred with all the desperadoes living within his jurisdiction

He came into the village on horse-back His groom and peon formed the van of his party, and the rear was made up of his *naib* (assistant), *Buxi* (clerk), and a guard of dozen under-constables The last man of the party was a carrier, on whose head the Darogah's cane-trunk rested, it being his ward robe

At the entrance to the village whom should the Darogah see but the village watchman? so without any further formality, he got down from his steed and accosted the poor watchman thus, 'Sala, say how Koochil Koloo came by his death?' and before the answer was given, he administered a dozen blows to him with his club till the man rolled in the ground like a pack of clothes in excruciating agony

'Dohai Hu/oor (Have pity, great one) it was not in my beat the murder took place' gasped the man through his agony

'But *sala*, are you not one of the village watchmen?' asked the Darogah, and without waiting for an answer, he trotted on till he reached the deceased's house

'The village is empty, I see The *salas* have all left the place through fear But I'll make every *sala* feel my authority, or else I am no father's son! Here, look you, Datya [addressing his assistant] send some of the guard to break open that confectioner's shop There must be plenty of sweetmeats there, I am sure Send some to fetch other eatables also I had a wretched meal last night and am hungry as a wolf'

Poor Kokila was sitting beside the corpse of her husband weeping and weeping She was alone, for Bangshi her nephew had taken flight before day-break So that when she saw a troop of red turbans headed by that fore man, the Darogah, enter her house, she became like jelly with fear

The Darogah then inspected the wound on the deceased's person, looked up and down and around, that he may make a faithful report of the scene of the occurrence Then he traversed the rooms to look into each nook and corner He had heard, muttered he, that Koochil was a man of substance Where did he keep

his money? Surely the murdered could not have taken it away. Then eyeing a suspicious crack on the earthen floor he ordered one of his men to dig it up with a hoe, and see what the crack meant. This was effected in a minute, and to his infinite delight the Darogah saw an earthen vessel dug up which emitted the sound of chink.

‘Aha! that’s business like, let me have the contents,’ said he, and having secured it in his cane trunk, he went outside the house to examine the compound for any traces of the crime.

‘Here, sir, are some plants trodden down by heavy feet’ was the manner in which his assistant directed the Darogah’s attention to a particular spot. ‘And here again, the portion of the mud cornice above it broken. There must have been thieves in the house,’ said the assistant. The Darogah rebuked him for coming to a hasty conclusion, and told him to hold his tongue. But shortly after one of the under constables brought from another portion of the ground a file, a broken box, some torn paper, and a large clasp-knife with the blood-taint on its edge. At the sight of these, the Darogah ejaculated a long ‘Humph,’ declared the investigation to be closed. ‘It is getting rather late for bathing and break fast,’ said he, and this was understood by his comrades as a signal for retreat.

Later in the day, he broke his fast in the Zemindar’s Cutcherry, and as he was reclining against a huge bolster, Shitul Sing came back with his fair charge in a woe-bogone mood, and informed him that he tried all means, but the wench would confess nothing. And how looked Kokila? Her hair was all dishevelled, clothes soiled, and torn, the iron gripe of the ruthless constable had fixed a mark on her wrist, a clammy perspiration sat in her brow, and she was trembling from head to foot.

‘Save me, sir, from the tyranny of that man,’ pointing to her oppressor, ‘I am a helpless widow without friends in this wide, wide world, you are my father and I confide entirely in your kind protection.’

The Darogah laughed a horse laugh, as he said ‘young

woman, come with me to the Thannah [police office], and there I will do all I can for you '

' Thought of the gloomy day and ghostly night,  
That dreads the darkness and yet loathes the light,  
That winds around and tears the quivering heart '  
Ah ! wherefore not consume it —and depart !'

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## THE HINDU FAMILY

### SUPPLEMENT TO CHAPTER VIII

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We come now to the second great class of *quasi* membership, comprizing the priest, the Guru and the Acharyi

By following the historical method, philosophers have arrived at the conclusion, that when Fetichism was the creed of man, the institution of priesthood could not have existed. The different impersonations of the Fetich were so simple, that without any external help, he felt himself competent to understand them for all practical purposes. The institution of the order of priesthood in India is necessarily coeval with the dawn of Polytheism, when the fetich gods and goddesses underwent the process of logical generalization. When Buddhism was predominant, priestcraft must have been in its infancy, if it existed at all. It was after Hinduism became transformed into Brahmanism, that the necessity of priestcraft was felt. Priests were required to soften down the fierce nature of man, by putting before him the vague fear of supernatural things of mysterious, efficient and final causes. Priests were required to satisfy his craving for the mysterious and the occult, that may have influence on his terrestrial destiny. It is no wonder therefore that they should at the dawn of civilization influence his conduct. They made the mysterious more mysterious and invented many a rite, many a ceremony for hood-winking his judgment. It is curious, that in all countries, the first priests should have more intelligence than the ordinary run of men. This leads us to infer that superior

intelligence was indispensable to the attainment of the sacerdotal rank. In the Dark Ages, it was the monks and priests who had literary culture, and in India it was monopolized by her priests—the Brahmins. Her poets and philosophers, legislators and statesmen exclusively belong to the Brahminical class. Once elevated to the sacerdotal orders and having secured the archives of learning against the intrusion of inferiors, they ‘made the worse appear the better reason,’ and published to the world, a string of sophistry and falsehood, from the meshes of which society has not been able to free itself even now. The priest was the spiritual friend. He was an incarnation of the deity. It was sinful to dishonour or injure him, or to lay hand on his property. These were the earliest notions of men. They were approved by the king, and were eventually incorporated with the law of the land. Once secured in regard to their person and property, they began encroaching upon the temporal concerns of those spiritually subject to them. Man’s predominant vice is ambition, and if in Christian Europe there is the supreme Pontiff to dictate to kings and princes, in matters temporal, there was the Hindu priest to exercise the same ultra-spiritual power. There are instances recorded in the Ramayana and Mahabharata, of kings standing up to receive the most beggarly of priests, while they were administering matters of state or dispensing justice.

In all domestic occurrences, the priest is called upon to officiate at the requisite ceremony. Certain forms are prescribed which he has to go through. But whether the domestic occurrence is birth, marriage or funeral, its celebration brings to his coffers wealth in some shape or other. There are other ceremonies he is required to be present, in the fifth and eighth month’s ceremony of a pregnant woman or the anniversary of some ancestor’s death, in which he must officiate.

These are no doubt his extraordinary duties. His ordinary ones are to wash the family Idol daily, to dress it and to set before it the offerings. These offerings subsequently find their way to his house. Sometimes the offerings are procured by him at the family’s expense, and the priest in procuring them demeans



himself to 'a hewer of wood and drawer of water' Any periodical religious festival is to him highly gratifying, and he reaps a golden harvest therefrom These periodical worships are denominated *Pujahs*, and it is at the request of the priests that they are sometimes celebrated They are the necessary appendages of a rich and prosperous life, and one leading such a life incurs much social obloquy if he does not celebrate them He passes for a beggarly miser, and his name is not named in the morning, lest it may have a prejudicial effect on one's meals We know of a great many names which are scrupulously avoided in the morning when one's stomach is not full

Unquestionably the *Pujahs* had at one time a healthy effect on the community There is very little of religion in them now, and judging from their fossil remains had little in olden times The idols worshipped are the allegorical representations of some scientific or philosophical truth as believed in those times Thus for example, the imago of the sable goddess Kali standing on the corpse of her husband is emblematic of the total inertia of matter in the absence of force But whether the interpretation of these allegorical representations is correct or not, the worship of them and the circumstances under which the worship was celebrated had a vivifying influence on society For the nonce, a sense of purity was generated For the nonce, past animosities were forgotten The sound of mirth was heard in every house and street There was the feeding and feasting of a large concourse of people, including friends, relatives Brahmins and beggars There were popular songs sung—and music played Land was given away to priests and Brahmins for their future maintenance

From the above one can easily conclude that the end of all *Pujahs* was charity, in its pre-eminently practical form, and taking them in their proper light they are not so much the objects of execration as Christian missionaries and Bramhos take them to be

These *were* the *Pujahs*, what are they now? Like every thing Indian, they have passed through a state of transition They have become like ourselves Indo-English Barring a few excep-

tions, the element of charity has been extracted from them, and if there is a concourse of beggars at your door on the occasion of the Pujah, the best thing you can do is to send for a constable to disperse it. But there is no lack of expenditure nevertheless now a days. Every Hindu feels this. The relieving feature of it is that the expenditure is considerably Malthusian. The Hindu looks over his account after the hubbub of the Pujah is over, and is really at his wit's end when he sees the round sum of Rs. 5000 spent. But how does he spend it? Why Rs. 4000 and odd hundreds for his wife's jewels and ornaments, some hundreds for his children's holiday costumes, some for paying off the bills of the Great Eastern, and a few Rupees for the Pujah itself! And it strikes us as very curious that people to avoid this sort of expenditure pass in society as Brahmists or Theists.

But to return to the priests themselves. They have been objects of respect and reverence. Our ancestors lacked no pains to better the condition and prospects of those from whom they received spiritual benefits. They were regaled with the best of food, and were clad with the best apparel which was consistent with their sacerdotal rank. They were invested with land which yielded a good annual income. And the result is what one would have anticipated. Their life has become one of ease and dissipation. They are greatly addicted to intoxicating drugs and drinks, and some of them have turned out consummate libertines and rakes.

Akin to the priest we have here in Bengal the *guru* (spiritual preceptor). The *guru* is properly speaking the medium of salvation, and in this light his position is higher than that of the priest. Woe be to a Hindu whose body and soul have not been purified by the spiritual counsels of the *guru*! He lives and dies a veritable beast on earth with no hope of heaven or bliss in the life to come. However charitable acts he may do, however spotless his character may be, his faith in the gods ever so strong, his salvation is impossible unless sought through the channel of the *guru*. The religion of the Hindus has been styled as eminently ritualistic, but the *guru* deals in religious speculation,

leaving the practical portion to be finished off by the priest Both the *guru* and the priest vie with each other in ignorance and conceit Both are covetous, unprincipled and up to every vice But the *guru* is certainly much more revered than his adversary This is referable to the former being a less frequent visitor, and to the speculative and mysterious nature of his avocation

The *Guru's* mission being to secure the salvation of the soul, it is no wonder that his sway over the family should be so complete His visits are generally annual, unless he be in a fix on account of some impending matrimonial or funeral ceremony in his house, when he comes to you for his ghostly fee At one time, these visits were esteemed as auspicious events, and *pater-familias* would consider 'the morn-to have propitiously dawned' that brought with it the radiant face of his *Guru* Now about the *guru's* person Thin and lank ones are rare Dame nature has selected them for her precious physiological and anatomical gifts And truly that face is radiant Picture to yourself a fat short man, having what the doctors call 'an apoplectic make,' of pretty fair complexion, round face, short nose, long ears, and eyes protruding from their sockets Picture further that face to be sleek and soft, shorn like the Sahara of hairy vegetation, with the crown of the head perpetually kept in artificial baldness, only relieved by a long tuft of hair in the centre Conceive of the trunk to consist of an elongated belly, and the hand and feet round but short Robed in virgin white of thin muslin, and painted on the nose and forehead with fork-like devices with variegated colours Take the sum total of these conceptions, and your conception of the Indian *guru* is complete His countenance does not exhibit the least sign of worldly care Plenty and ease have always been his inseparable environment Why, he is, in short, like a gram-fed sheep whom the greedy butcher delights to lead to the shambles, with a watering tongue and itching pocket

This is the impersonation of the divinity who on a fine morning renders his advent in a Hindu family a *fait accompli* He is accompanied by half a dozen of famished beggars, each and

every one of whom has an important part to play in his lord's drama. One prepares his food, another his hemp-smoke and opium pills, a third looks to his treasure, a fourth shaves and makes him oily, a fifth carries his bag and baggage, while the sixth helps him in his amatory transactions. They are not his paid servants, but mere hirelings who follow him through fire and water for any thing "that hath a stomach in it." At the sight of the *guru* and his crew the whole house is thrown into commotion, and even the inmates of the zenana for the nonce lose their equanimity, "The lord has come," is the alarm given by *Karta*, and it is echoed and re-echoed by the whole household. Preparations for his entertainment on an extensive scale are immediately ordered, all the while the wily *guru* laughs in his sleeves with the thought, that so long as there are cunning men in the world there must be fools. *Karta* is seen to reach the door post of the house and to fall prostrate before the *guru*, who on return for this abject reverence, coolly puts his foot on the devotee's head, as if it was a stepping stone to the attainment of higher honours in store for him. It is habitual with the *guru* to enter the house with a sorry face and cold demeanour. They say there is a vein of policy in it, and that is with a view to terrify the *karta*, and extort from him a high fee. We have seen *gurus* insulting their spiritual disciples in a heart-rending manner, cursing and swearing, and exhibiting conduct as would under any other circumstance justify his immediate expulsion from the house. But it is rarely or never that such a course is resorted to. On entering the house, the *guru* is led to a sitting chamber furnished with new carpets (for it is sacrilegious to make him sit on used ones) and is requested to be seated. This he would not do at first as contrary to his policy, till the fascination of larger prospects and larger promises becomes irresistible. "I will neither sit nor wash my feet," says he 'till you make sufficient amends for your past misbehaviour. I am your spiritual guide, you are grown a wealthy man, your son has become a Banian, you must pay me at the rate of Rs 100 a year, or here our connexion ends." *Paterfamilias* looks aghast at the attitude of the visitor and ap-

prehending that the use of the holy man may bring with it disasters quietly submits to his fate. Thus pacified the *guru* fondly enquires of the health of the several members of the family, and of its resources, and addresses himself to visiting the zenana inmates in the company of their head. One and all are brought before him to receive the usual benediction, and the hearty kick on the head, and they go their way more or less satisfied. This ceremony over, the *guru* is anointed with oil, and after the bathing and ablutions are over, food of the choicest sort is placed before him for acceptance, which to do him justice, his appetite is always up to. The work of mastication and deglutition being over, he indulges in smoking, and passes off into a nap of a couple of hours, to awake again with Frank Pitt appetite for the in-coming break-fast. Who can describe the turmoil which takes place inside, when the *guru* is enjoying his sweet repose. Lots of young and old females congregate in the house to partake of the holy repast. Children are made to starve till the *guru* has finished breaking his fast, and they naturally fall a-crying. *Materfamilias* is as busy as the jute-mill wheel. Spurred by a sharp appetite, she is sometimes finding fault with this servant or that maid for not minding her commands, sometimes abusing a poor young daughter-in-law for being idle and lacking devotion to the *guru*. But as the clock verges upon 2 P. M. she finds her appetite got the better of her scolding propensities, and being assured that the *guru* has stowed with an enormous quantity of rice and vegetables and sweets and fruits in the abdominal regions, takes her food along with old women consecrated with the crumbs which the *guru* might have generously left unswallowed. Young women are always sceptical, and however their reluctance may be to take the crumbs, *Materfamilias* compels them to take them for the welfare of their body and soul.

Here it is necessary to say a few words as to the manner in which the relation of spiritual guide and disciple is created. It should be remembered that in Bengal, the father's *guru* is not necessarily the son's. The ceremony by which the relation is created is denominated '*Diksha*' or initiation. On the day of that

ceremony the parties must bathe and perform the necessary ablutions. The wearing of new clothes and fasting till the ceremony is over are enjoined. They must then be closetted together, and while in this state, the *guru* communicates the spiritual advice with the greatest secrecy possible. Really the advice imparted is no advice at all. It is either an injunction to worship Krishna or Kali or Radha or Durga or some other god and goddess of the Hindu pantheon and it is not at all understood by the bulk of the people. So that it happens frequently that the *mantra* (advice) is forgotten almost immediately after. For the ceremony of initiation, the *guru* has his fee, which varies according to circumstances. The relation thus created continues through life, and the *mantra* is cherished in the recesses of the soul as a capital wherewith to brave the tide of eternity. It is sacrilegious to give publicity to one's *mantra*, and even wives are interdicted to utter it in the presence of their husbands, and *vice-versa*. But however charming its secrecy may be, it is quite clear that its moral effect on the recipient is infinitesimally small, while on the other hand, it becomes the source of a world of botheration in his future career. Not to speak of the frequent visits of the *guru* and the cost of entertaining him, the way in which money is extorted from him is indescribable. And it often turns out that people skulk away to evade the extortionate demands of the *guru*. It is a sign of the times, that in this matter as well as in others relating to priestcraft, a re-action has already set in, and we hope with the progress of enlightenment, the *guru* will become an object of antiquarian interest. Under the Hindu Law, both the priest and the *guru* inherit property in default of heirs of the body and next of kin. The wisdom of applying this law has now been questioned, especially where the state sets up *ex-adverso* its prerogative of escheat. That the law of escheat may not apply, devout Hindus are seen to devise away a portion of their property as a bequest or legacy to their *guru* or priest, or both.

(To be continued)

## ENGLISH WORKS ON HINDU LAW

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\* English Works on Hindu Law are those treatises which touch upon the principles of Hindu Law, written in English by Europeans as well as by Natives. They deserve special attention on account of the constant reference made to them in the administration of justice to Hindu suitors. It is to the English manuals of Hindu Law that judicial officers and legal practitioners, who are unacquainted with Sanskrit Law books, direct their attention for the solution of legal questions.

The works on Hindu Law written in English, as observed by Dr Burnell, are mostly poor, careless and wrong compilations by non-Sanskritists who introduce their own theories and notions into their compositions. They do not refer to the authorities of the schools in support of the legal doctrines laid down by them. The English treatises on Hindu Law by Sanskrit scholars are not even free from deficiencies and errors. But English works, which dwell upon the Hindu Law as it is, are very rare.

A few treatises on Hindu Law written in English, though deficient and erroneous in many respects, have gained so much celebrity and authoritative weight that they are invariably regarded in the light of infallible guides, and are occasionally allowed to override even the original authorities and their accurate translations.

A Treatise on Obligation and Contracts was written by Mr Henry Thomas Colebrooke, a distinguished oriental scholar and a high European authority on Hindu Law. It was published in London in 1818. It is not a work exclusively dealing with the doctrines of the Hindu Law of contracts, but treating of the general principles of law on the subject. The illustrations of the principles laid down in the book have been largely drawn from the system of Hindu Law. Much valuable information

regarding the Hindu Law of contracts may be gleaned from it. Unfortunately the work was not completed by the learned author, for both the preface and the introductory matter, which the writer promised in the first and only printed part to publish, did not appear. Had the treatise been in a complete state, it would have thrown additional light on the subject. Notwithstanding the passing of the Indian Contract Act IX of 1872, Mr Colebrooke's treatise on Obligations and Contracts may be used and consulted with advantage by the tribunals, which have not yet been deprived of their right to administer the Hindu Law of Contracts to Hindu litigants.

The Honorable Sir Francis Workman Macnaghten, one of the Puisne Justices of the late Supreme Court of Judicature at Fort William in Bengal, wrote a work entitled "Considerations on the Hindu Law, as it is current in Bengal." In 1824 the book was printed at Serampore. The work is principally devoted to the consideration of the subjects of Inheritance, Partition, Re-union, Adoption, Gifts and Unequal Distribution, Wills, Contracts, Judicial Proceedings, and Evidence. It contains a preface, an appendix, a table of succession as given in Mr Wynch's *Daya krama Sangraha*, addenda, and an index. The preface speaks, amongst other things, very unfavorably of Hindu law and of Pandits, and yet at the same time defends them. The appendix relates to the topic of Adoption. The addenda to the chapter of Inheritance consist of extracts from Colebrooke's *Daya Bhaga*. The addendum to the chapter on Adoption, which occupies the greatest portion of the work, as well as the appendix mentioned before, comprise the opinions of the Pandits delivered in the several cases bearing upon the subject. In the chapter on Adoption Mr Blacquiere's English translation of the *Dattaka Nirṇaya*, has been reproduced. Unsparing use is made of Colebrooke's version of the texts ordaining the law of Contracts from the *Vivada Bhagavata*. The last two chapters chiefly comprise the translation of the *Mitākshara* on Judicial Proceedings and Evidence by the writer's worthy son Sir William Macnaghten. The work professes to



discuss the principles of Hindu Law prevailing in the Bengal School. Instead of closely following the recognized Bengal authorities in the enunciation and discussion of the legal principles laid down in the book, the author has suffered himself to abide for the most part by the Hindu Law officers' opinions and numerous judicial decisions. The principles of Hindu Law are amply explained by arguments, and copiously illustrated by sundry cases given for the most part in full. The author's ignorance of the Sanskrit law books is, however, betrayed by the adoption of judicial rulings to which he invariably refers as his chief authorities in support of what has been written without properly testing their accuracy. It has probably led him to think that the principles collected and deduced from the forensic judgments alluded to in his work should be adopted, and, if adapted, should remain immutable. On the merits of Macnaghten's "Considerations" Sir Thomas Strange and Mr William Morley appear to be divided in their opinions. The former approves the work, while the latter disapproves of it. The view taken by Sir Thomas Strange is as follows — "It is an extremely valuable one to any one engaged in the study, or administration of the Hindu Law. The author was himself administering it when he compiled the work in question, being at the time, one of the Judges of the Supreme Court in Bengal, for which reason it is much that he could find the requisite leisure, and though, on this account, it is not arranged as he could have wished, it is full of important materials, introduced, and commented upon, in most instances, with observations, deserving the greatest attention, wherever the same points shall come to be discussed." Mr Morley thus speaks of the treatise — "It is to be regretted that the whole work is pervaded by a spirit of exaggerated self-estimation and unjust depreciation of every thing not consonant with the author's professional prejudices." It may not be altogether out of place to cite here the opinion of Mr Barradaile, the translator of the Vyavahara Mayukha. "The work of Sir F. Macnaghten, being avowedly controversial and founded on Bengal law, is of no utility as a

guide here Every one must regret, that the two first chapters of the *Mitakshara*, those on judicial proceedings and evidence, were not given entire, valuable as any extracts from such a work are, the insertion of the translation complete, would, we may venture to say, have doubled the value of this book to practical readers”

The treatise on Hindu Law by Sir Thomas Andrew Strange, the first Chief-Justice of the Supreme Court of Madras, appeared in the year 1825 It was published in two volumes in London The first volume was originally called the “Elements of Hindu Law,” and the second *Responsa Prudentum* In 1830 the author issued a second and revised edition of his work, consisting of the same number of volumes, under the title of “Hindu Law, principally with reference to such portions of it as concern the Administration of Justice in India” The first volume of the second edition treats of Property, Marriage, Paternal Relation, Adoption, Slavery, Inheritance, Disabilities to inherit, Charges upon the Inheritance, Partition, Widowhood, Testamentary Power and Contracts,—each of these subjects forming a distinct chapter The second volume, which is in fact the appendix to the first, gives, in the order of the subjects discussed in the latter, cases and law opinions thereon referred to in it Although Sir Thomas Strange had no knowledge of Sanskrit, he gained an insight into the laws and institutions of the Hindus from contemporary oriental scholars of repute His work on Hindu Law is clearly arranged, aptly illustrated and elegantly composed The legal doctrines laid down in the first volume are almost founded upon the authorities noted on the foot of every page The tenets of the Madras School have been more fully treated than those of any other schools But the peculiar doctrines of the different schools are not in many an instance specified or distinguished The second volume is a valuable record of Hindu Law It comprises the opinions and remarks of learned scholars and lawyers which are really *Responsa Prudentum* The opinions of the Shastis of the Madras Presidency on the legal questions raised in the cases therefrom, forming the major portion of the

bulk of the second volume, have been tested by the remarks of Messrs Colebrooke, Ellis and Sutherland, or one, or other of them Mr Barradaile observes thus —“Of the last work published, the Elements of Hindu Law, by Sir T Strange, it is scarcely necessary to make mention, as it is in every one's hand, but if it be not too presumptuous we may remark that the learned author has carefully followed the steps, and entirely adopted the doctrine and advice, of the greatest of all European authorities on the subject of Hindu Law and Literature, which is of itself sufficient to stamp a high value on the book ”

Mr John Mayne, Professor of Law in the Madras Presidency College, edited the first volume of Sir Thomas Strange's Hindu Law with an able and interesting introduction The learned editor notices, in his introduction, the material changes wrought upon the Law by legislative enactments and judicial decisions Irrespective of the introduction, this edition is a re print of what immediately preceded it, and is the third edition of Sir Thomas Strange's Elements of Hindu Law It was printed at Madras in 1859 Mr Mayne speaks of the books thus —“In fact, Sir Thomas Strange's treatise has done more than merely collecting the authorities upon Hindu Law It has settled the law The references to original law books, still appear at the foot of his pages, but it is rarely that any consult them We rely unhesitatingly upon the assiduous accuracy which collected so many sources of information, and the exquisite judgment which evolved an orderly system from conflicting opinions Few will search for themselves through Manu or the Mitakshara, when they can find its substance brought out in the masterly English of the Chief Justice of Madras Few will enquire into the rival views of *Saivism* or *Yajnyavalkya*, when the balance between them has been struck by a single weighty sentence of Sir Thomas Strange Accordingly it would be difficult to find a second law book which at the end of thirty years could be re-printed *verbatim*, with any advantage to the public, yet the present work hardly requires any re-editing Statutory enactments have rendered obsolete some few portions Doctrines have been illustrated

and amplified by recent decisions, but little has been either doubted or over-ruled. The Indian Courts are still governed as authoritatively by Sir Thomas Strange, as the old philosophers were by Plato or Aristotle." In our humble opinion Sir Thomas Strange's work does not deserve such extravagant and unqualified praise.

The fourth edition of Sir Thomas Strange's *Elements of Hindu Law* was by Mr W P Williams, and published at Madras in 1864. It is a re-print of Mr Mayne's edition with an additional preface, a few foot-notes and an addendum. The additions have enhanced the practical value of the treatise. The addendum, which has been also separately published, will be noticed, under the head of *Forensic Decisions*. The fifth edition of the work was published at Madras in 1877.

(*To be continued*)

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## NOTICES OF BOOKS

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*Parsee Prakash*, being a Record of important events in the growth of the Parsee Community in Western India, chronologically arranged, from the date of their immigration into India to the present day. Compiled by Bomanjee Byramjee Patell. Parts I and II. Bombay, Duffer Ashkara Press 1878 and 1879.

We have to acknowledge with thanks the receipt of the two first parts of the *Parsee Prakash*, the object of which work is to give a history of the Parsis from the time of their arrival in India in the eighth century to the present day. The work is to be completed in 5 parts, two parts of which are before us. It is written in the Gujratī language, or rather to speak more correctly, in Parsī Gujratī, which is the vernacular of the Parsis. There is prefixed to the work an English Preface in which Mr Bomanjee describes the object of his work, and the sources from which he has derived information. So far as we are able to judge, it seems to be a most valuable compilation, inasmuch as it brings together

a mass of information regarding the Parsis, which is not to be found in a single publication or a series of publications. The able and enterprising Editor, Mr Bomonjee Byiamjee Patell deserves the thanks not only of the Parsi community in India, but of all students of antiquities and of history, for unearthing information and documents which he buried in Government Secretariate Offices, in the libraries of Parsi priests, and in the records of Parsi families. One interesting feature of the work is, that an attempt is made to give histories of the leading Parsi families in Western India. With one thing we are particularly pleased, and that is, that Mr Bomonjee forms a just estimate of his work. "It makes no claim," he says, "to be a history or a discourse on the manners and customs of the Parsis. The main and simple object of the work is to place within the reach of the general reader in a concise form materials which have been rescued from old records scattered throughout Bombay and Guzerat." Mr Bomonjee furnishes the materials from which some future historian of the Parsis will draw out a graphic and life-like narrative of the foremost race in India. We conclude with making one request, and that is, that when Mr Bomonjee has completed his labours he will favour the Indian public with an English translation of his valuable work.

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*The Hindu Trangelist* containing an account of Hindu worship, conversion, and labours of S Moodookrishnaiah Naidu. Madras, Asiatic Press 1879

Mr Simhadri Moodookrishnaiah Naidu of Madras, who visited Calcutta last summer, has on his return to his country published an account of himself, of the way in which he became Christian, and of his labours in connection with various Missionary Societies. The author is a sincere Christian, and a tone of earnestness runs through his little work. It is a very interesting book, and will, we have no doubt, do good. One interesting feature of the book is, that it contains illustrations of gods and goddesses as they are shaped in the Southern Presidency.

*Victoria Rajsuya* On the History of the Imperial Assemblage at Delhi, held on the 1st January, 1877, &c &c By Gopal Chandra Mukhopadhyaya, author of the "Pashan Pratima," "Jaubana Jogini," &c &c With Portraits Calcutta Bengal Royal Press B E 1286

This is a handsome volume—handsome considering the get up of Bengali books in general—and contains an account in the Bengali language of the Imperial Assemblage held at Delhi on 1st January 1877, to celebrate the assumption by her gracious Majesty the Queen of the title Empress of India. It contains a portrait of Her Imperial Majesty, a portrait of His excellency the Viceroy and Governor-General, and a photograph of the assembly itself. The book is very interesting, inasmuch as it gives a good deal of information regarding the Princes and Chiefs of India.

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*Short Essays on Literary and Social Subjects*, for Matriculation students and others. By N. I. Ratnagar, Editor of the late "Hindu Reformer." Bombay Education Society's Press, 1879

As coming from a native of India whose mother tongue is not English, this book is a creditable performance. We doubt, however, whether it would be either safe or wise to recommend its study to students intending to go up to the entrance examinations of Indian universities. And the reason of our doubt is, that there is a good deal of slipshod English in the book,—indeed, had we either leisure or inclination we could point out on almost every page sentences which no well-educated Englishman would have written. Take, for instance, the Preface, which contains only three sentences, and you will find in it both grammatical and idiomatic blunders. Here is the Preface —

"This book containing ninety two essays on a variety of subjects chiefly social and literary, is published for the Matriculation candidates and boys in general, it is intended to be of use to them in the preparation of English studies for the Matriculation Examination. Every essay contains easy allusions to men of genius and their works, and, as it is, is revised

with care, both as to matter and style, the object being to make the matter valuable and interesting, and the style simple and natural and correct. It is hoped the book will meet with fair opinions and criticism, and that if Indian boys learn any thing from it, it will be only good."

This book is published for *the* Matriculation candidates. What matriculation candidates? The particle *the* is evidently superfluous. Besides, what are *Matriculation candidates*? The writer of course means candidates for the Matriculation Examination, and although in colloquial English, in order to avoid circumlocution, we speak of Matriculation candidates, no man of good taste will use the phrase in composition. For Matriculation candidates and boys *in general*. Is the adverbial phrase *in general* to be construed with only "boys" or with "candidates" also? As the sentence stands, it is to be construed with both "boys" and "candidates." But that is not the meaning of the author. He evidently means that his book is intended, for boys in general, and for Matriculation candidates in particular. If so, he should have repeated the preposition *for* before *boys*. This book is *published* for Matriculation candidates, &c. The sentence, as it stands, gives the impression either that the syndicate of the Bombay University had requested our author to write the book, and now that the book is finished it is published for Matriculation candidates, or that the candidates themselves had made the same request to our author, or that our author, when he was writing the book, had no intention to write it for Matriculation candidates, but he entertained the intention only just at the moment of publication. He had no such intention when he was composing it. He had no such intention when the book was being printed. He had no such intention when the book was being bound. The intention came upon him suddenly at the moment of publication. This cannot be our author's meaning. He should therefore have said—This book is *intended* for &c, &c. In the second sentence, what does the author mean by the adjunct *such as it is*? It has hardly any meaning as it stands. Such as *it is*. What is? Does *it* stand for "essay"? If so, grammar requires that the pronoun *it* should be repeated before *is revised*. In the third sentence, what

does the author mean by *fair opinions*? We know what *fair criticism* is, but *fair opinions* is not English—it may be Gujarati or Mahrathi, for any thing we know to the contrary

Mr Ratnagar may complain that our criticism is not *fair*. We honestly think it is quite fair. Had Mr Ratnagar simply published the book without any reference to students preparing for the Matriculation Examination of the Bombay University, we would have dismissed it with a few words of congratulation on the author's proficiency in English composition. But when our author seriously proposes that young Indians should study his book as a model of correct English, the position is altered. We are very jealous for correct and pure English. In the interests of English literature, in the interest of Native education, we think it our duty to warn our young countrymen against books which are not written in correct and good English. Already the country is flooded with newspapers which are not written in the Queen's English, and these newspapers are shedding a baneful influence on the taste and the English of the rising generation. It is therefore high time to advise our young countrymen to study day and night the English classics only. Notwithstanding all that we have said above, we look upon Mr Ratnagar as a young man of considerable attainments in English literature, and we consider the book before us as a very successful performance.

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*A Dictionary of Phrases and Idioms*, containing Explanations in English and Bengali and illustrative sentences from the works of the best English writers. Part I. By Krishna Chandra Roy, Calcutta. Roy Press 1879.

The title of the book sufficiently indicates its nature and object. Such a work, to use Mr Tawney's words which the author quotes in the Preface, "will no doubt be very useful" to young Bengalis learning English. The work will be completed probably in sixteen parts, the first part of which is now published. To judge from the sample before us, we think Baboo Krishna Chandra Roy is admirably fitted for the work which he has under-



taken. He is not only a good English scholar, but as an able Assistant Master in one of the best and most popular schools in Calcutta, he knows practically the nature of those difficulties which Bengali boys meet with when attempting to master the English language. His long experience as an educator of youth will give him great help both in the selection of phrases and idioms, and in their explanation in Bengali. The specimens before us are unexceptionable. The phrases and idioms have been selected with judgment, and their renderings into Bengali, if not always elegant, are apposite and plain, while the illustrative sentences are taken from the most popular authors of the day,—from Macaulay, from Froude, from Dickens, from Thackeray, from Matthew Arnold, and others. The book promises to be highly useful and very valuable, and we trust Baboo Krishna Chandra Roy will get sufficient encouragement from the public to induce him to persevere in the good work which he has begun so well.

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*Rajah Ram Mohun Roy, The Bengali Religious Reformer*. A Paper by the Rev K. S. Macdonald, M. A., Principal, Free Church Institution Calcutta. Calcutta Herald Press, 1879.

This discourse was read by Mr. Macdonald at a public meeting held at Darjeeling in June last and has been now published by request. We are glad it has been published, as it is an excellent discourse. The impression which the perusal of this lecture leaves on the mind is, that Ram Mohun Roy was more of a Christian than any Brahmo of the present day either of the Adi Brahmo Samaj, or of the Brahmo Samaj of India, or of the Sadharan Brhmo Samaj. And this impression will be deemed correct by any one who has read the Rajah's *Precepts of Jesus, the Guide to Peace and Happiness*. In the concluding part of his discourse Mr. Macdonald mentions some anecdotes of Ram Mohun Roy which we do not remember to have seen before. Here they are —

“There are various anecdotes still current in Calcutta with a narration of some of which I may close this paper. For these I am indebted to a Bengali friend. It is said that on one occasion, Lord William Bentinck, the

Governor general, on hearing that he would likely receive considerable help from the Rajah in suppressing the pernicious custom of widow burning, sent one of his aides de camp to him expressing his desire to see him. To this the Rajah replied, "I have now given up all worldly avocations, and am engaged in religious culture and in the investigation of truth. Kindly express my humble respects to the Governor General and inform him that I have no inclination to appear before his august presence, and, therefore, I hope he will kindly pardon me." These words the aide de camp conveyed to the viceroy, who enquired — "What did you say to Ram Mohun Roy?" The aide de camp replied — "I told him that Lord William Bentinck, the Governor General, would be pleased if he would come and see him." The Governor General answered go back and tell him again "that *Mr William Bentinck* will be highly obliged to him, if he will kindly see him once." This the aide de camp did, and Ram Mohun Roy could no longer refuse the urgent and polite request of His Lordship.

It was characteristic of Ram Mohun Roy that though he could not reprove his disciples for their faults, still, if he himself was guilty of any fault, and if any disciple reprovcd him for it, he invariably took the reproof in good part. Here is an instance. According to the custom of that time, Ram Mohun Roy wore *Babree* hair (long flowing hair like that of a female). After bathing, he used to spend some time in dressing it. On this one of his disciples, Tuna Chand Chakravarti, wittily remarked — "Sir, was the Hymn beginning with 'How long wilt thou see thy face in the mirror with pleasure' intended for others only?" [It should be remembered that this beautiful hymn, exposing as it does the vanity of human wishes, was composed by the Rajah.] Ram Mohun was, however, a little abashed and said, "Yes, *Brother*, you are quite right."

Though Ram Mohun was slow to reproach his disciples for slight offences, he never allowed any grave ones to pass unproved. For indulging in excess of drinking he refused to see the face of one of his disciples for six months. On this, the disciple is said to have reformed. The Rajah was not a vegetarian, but he was very much opposed to cruelty to animals. Almost every evening he partook of animal food. One day it happened that his servant tortured to death the animal intended for supper. The Rajah, on hearing this, was very angry and ran barefooted after the servant with a stick, from the house to the compound. It was with much difficulty he was persuaded to give up the chase.

One other anecdote and I am done. Ram Mohun Roy used to attend church in what Bengalis regard as full dress, worn only on state occasions. He justified this practice by remarking that, when we have to attend a nobleman's or a king's *darbar*, we repair thither in such full dress, intending

thus to show proper respect and regard to our host "And what is a worshipping congregation," said he, "but *darbar* of the King of kings We should therefore dress in a way worthy of the solemnity of the occasion"

Altogether Rajah Ram Mohun Roy was a great religious Reformer, far in advance of his time, and his name should be held in loving remembrance by his countrymen and by all interested in the social and religious welfare of India His memorial at present is not in stone or book, nor yet on canvas, not much to the credit of the country which has the honor of his birth and which he so faithfully served It is in the hearts of men fast passing away from among us, and in a few stray sketches of no pretensions, found in the soon forgotten pages of pamphlets and periodicals "

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We have to thank Baboo Kailas Chandra Ghose, Editor of the now defunct periodical *Arya Pratibha*, for his interesting discourse entitled *Manu-Sanhita and Kulluka Bhatta*, in which the writer compares the opinions of the great legislator on certain points with those of his commentator

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We have also to thank Dr George Smith for his pamphlet entitled *Fifty Years of Foreign Missions* It contains an admirable bird's-eye view of the missionary operations of the Free Church of Scotland from their commencement to their year of Jubilee, 1879-80 It is filled with illustrations and maps

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## THE MONTH

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Some of our educated countrymen are at present advocating the principle of nationality with a vengeance One of the leaders of the *Adi Brahmo Samaj* writing to the *Sadharan Brahmo Samaj* says—"you should adopt a *national* form of divine worship, a *national* theistic text book, and a *national* ritual &c \* \* You should conduct your reformatory movements in a *national* way, &c" What is the national form of

divine worship? Is it Sakta, or Saiva or Vaishnava? What is the national Theistic Text book? Is it the Vedas, or the Upanishads, or the Puranas? What is the national ritual? Is it Vedic, as contained in the Sama Veda? Or is it Tantrika, as contained in the Kularnava? And lastly, what is the national mode of social reform? Are we to continue burning widows on the funeral pyres of their husbands? Or are we simply to prevent them from getting re-married? As the *Adi Samaj* are so mad after every thing national, we should not be surprised if they proposed to have a *national god* of their own?

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The *Indian Mirror* (Sunday edition) gives a curious definition of asceticism. In our contemporary's opinion, to be an ascetic is to "be poor in spirit," that is to say, to be humble. Surely, asceticism is not simple poorness of spirit. It is something more. The word is derived from the Greek *asko* to exercise, and was primarily applied by classical authors to any art or trade, and afterwards to athletic exercises. In a religious sense an ascetic is one who so exercises himself in divine contemplations as to separate himself from all company with the world, and who, moreover, mortifies his body. Our contemporary says—"A prince surrounded by the pomp and circumstances of royalty may become an ascetic in his own palace as much as a peasant while driving his humble plough or putting up in his humbler cottage." Neither of these persons is an ascetic in the usual sense of the word. The peasant ploughs for the support of himself and of his family and is therefore no ascetic, and the prince would be an ascetic if he sold all that he had and gave to the poor, parted from all communion with the world, mortified his body, and devoted himself to the contemplation of divine things. Our contemporary draws his picture, no doubt, from the Lily Cottage.

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We have, no doubt, the leader of the Brahmo Samaj of India meant well when he gave the other day an open air address to

boys and young men assembled in College Square, but we greatly doubt whether the address was calculated to do any good to any body. The address was a rhapsody, pure and simple. He began with a parody of the language of the Hebrew prophets—"Heaven and Earth bear witness unto the truth and sing the glory of God, while I his humble servant, &c." The speaker doubtless thought he was a prophet. But if a prophet, he must be a small one, and Saul's armour does not fit David. If there were any undergraduates in the throng in College Square, what would they have made of utterances like the following?—"I see in your countenance practical atheism \* \* There is a God-consciousness in me which I cannot tear away \* \* I am maddened with this God-consciousness \* \* Through your transparent substances I see God \* \* Ask the waters of yonder tank—How came you here. Just hear what the waters of the tank say. The tank is loyal to the Sovereign above. It says it has no independent power, it is the Lord of the universe who has kept it there. The tank is loyal, but you are infidels." Such rhapsodical nonsense only calls forth derision in educated minds.

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The *Brahmo Public Opinion*, which is a well-written paper, and which is the organ of the Sadharan Brahmo Samaj, endorses the opinion of the *Statesman* that Baboo Keshub Chunder Sen is either a prophet or an impostor. For ourselves we do not think the Baboo is either a prophet or an impostor. We do not believe in any prophet since the days of the Apostles, and Mr Sen is too good a man to be an impostor. Our view of him is, that he is an amiable young man whose head has got a little turned by undue praise. He is more sinned against than sinning. When fifteen or sixteen years ago he first began to lecture on Repentance, on Atonement, and other cognate subjects, the missionaries looked upon him as another Saul of Tarsus who was destined to be Paul the Apostle. The missionaries were warned of their hallucination. But the warnings were disregarded. They eagerly

listened to his utterances, they applauded him, they patted him on the back, they introduced him to the notice of Lord Lawrence, who patronised him both here and in England. Mr Sen was a nine days' wonder in England. He was followed by some silly men and some sillier women. When he returned to India, he felt himself a great man, the observed of all observers, the cynosure of all India. No wonder the poor man lost his head. This is the natural history of Mr Sen's career, a career which is accounted for by ordinary causes, and which makes it unnecessary to suppose that he is either a prophet or an impostor. If the missionaries had let him alone, if the *Friend of India* had let him alone, if Exeter Hall had let him alone, we would not have heard to-day the extravagancies of Mr Sen. But the mischief has been done, not *by* him, but *to* him, and Mr Sen is to-day what he is. The *Statesman* speaks of spiritual force in connection with the Brahmo movement. It is no force, spiritual or other. It is a mere bubble which will burst into nothingness at no distant date. It is the missionaries, it is the public prints like the *Statesman*, it is the religious public of Britain, it is these people that are unconsciously perpetuating this sham movement, by noticing it so frequently. Let them let it alone, and it will die a natural death.

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Mr Lal Mohun Ghose, Barrister-at-Law, deserves the thanks of all his countrymen for the able and judicious manner in which he pleaded their cause in England. All his speeches in England were characterized by a moderation of tone which must have greatly disappointed those enemies of the Natives of India who are opposed to their advancement. Had a more noisy but less wise delegate been sent, he would have greatly damaged the good cause. We cannot sufficiently admire the wisdom, the good taste, the moderation, the reserve, the prudence, displayed by Mr Ghose in the fulfilling of the delicate mission on which he was sent, and the success which he has achieved ought to make his countrymen proud of him. But some people ask, What *has* he done? Why, he has

done a great thing. Sure enough, he has not set the Thames on fire. But he has, nevertheless, done a great thing. Many Englishmen, both in England and in India, think that the educated Natives of India are a set of hot-brained political enthusiasts, fiery democrats, who are unthankful to the British Government for the good which it has done them, who make unreasonable demands, and who agitate for impossible reforms. This impression Mr. Ghose has effectually removed by the modesty of his proposals, by his warm-hearted loyalty, by his grateful recognition of the good England has done to India, and by that sober-mindedness which pervaded all his speeches. Mr. Ghose has sown the good seed in many generous hearts in England, and it will, at no distant date, sprout forth in a golden harvest.

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This is the age of sects. A new sect called Theosophists has recently shot forth into existence in the congenial soil of America, and already sent apostles and prophets to theosophize the people of India. The object of the Society originally was, we have read somewhere, to extract wisdom from Egyptian hieroglyphics, and the occult sciences—an attempt as practicable and wise as the attempt to extract sunbeams out of cucumbers, its present object, especially in India, is, we understand, to promote universal brotherhood, and to oppose Christianity. Col. Olcott is its hierophant in India, and he has fraternised with Pandit Dayanand Saraswati.

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Those Bengali parents who wish to give to their sons an English education—we mean education in England—will be glad to learn that the National Indian Association of London has consented to look after the young men in England. The Committee have published the following rules—

“I. Any native gentleman desirous of availing himself of the advantages of the National Indian Association in this branch of its work must write to the Honorary Secretary of the Associa-

tion (6, John Street, Bedford Row, London) at least six months before the proposed departure from India of his son, or ward, giving full information as to his age and previous education, the education desired for him in England, and accompanying the application with satisfactory references as to the position of the applicant, and the means of defraying all the expenses of his son, or ward, while living in England. One of the references should be from a Collector and Magistrate, or other officer of equal relative rank.

II All applications will be submitted to the Permanent Sub-Committee of the Association, and decided on their merits, the conditions being settled by special arrangement in each case. The Association reserves to itself the right of rejecting any application.

III The responsibilities of the Association will be to meet the student on his arrival, to procure lodgings for him, and to make all necessary arrangements for his education, whether at the Universities or Inns of Court, or by the employment of Tutors, or otherwise. The Association will also undertake, to the extent of the remittances placed at its disposal, all payments requisite for the above objects, and for the general superintendence of the students, as well as the distribution to them of such personal allowance as may be agreed upon with the parent, or guardian.

IV The Association will, from time to time, communicate to parents, or guardians, the progress attained by those entrusted to its care, and, in the event of anything unsatisfactory coming to its knowledge as to the conduct of a student, will advise as to the desirability, or otherwise, of his being retained in England.

V. An annual charge to defray minor expenses will be made for each student under the care of the Association, the amount of such charge to be determined according to the circumstances of each case. It is anticipated that an annual charge of Rs 50 to Rs 100 will suffice, but this charge will be liable to alteration, after some experience has been gained as to the amount of petty expenses."



There is in the Sunday edition of the *Indian Mirror* a column called the "Devotional" column, which is generally supposed to be written by "Our Minister." Of late that column has been devoted to the recording of colloquies which take place between "Our Minister" and the Almighty. "Our Minister" asks a question, and the Almighty, as in duty bound, answers it. The questions are interesting, and the answers, as coming from the All-wise One, are still more so. In the issue of the 28th instant, "Our Minister" puts to the Almighty the following question—"What treatment, then, will they among us find, O Lord, who altogether deny the minister?" This is of course a question of the greatest importance, as the minister is one of the great ones of the world. The question is no less than this—What will be done to those unhappy human beings who refuse to acknowledge the prophetic character of Baboo Keshub Chunder Sen? Have such persons any chance of being saved? Or will they be condemned to everlasting destruction for so heinous an offence? Now listen to the reply of the Almighty—for He cannot but give an answer to so important a question, a question on which depends the welfare of thousands of human beings. This is the answer of the Almighty—"If they are good and devout, they will be saved. The kingdom of Heaven shall be recruited from his friends as well as from his bitterest enemies. Among those foremost in my kingdom there may be not a few of those who have attacked and opposed him. The Lord is no respecter of persons." There is, then, some hope of us. We may be saved though we oppose the "Minister," provided we are "good and devout." But, we ask, what hope is there, either temporal or eternal, of those simpletons who listen to the teachings of such a crack-brained person? Is there not one educated man among the members of the Samaj of British India? We greatly doubt, for no educated man would for a moment tolerate such delirious ravings.

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The following nominations have been made in connection with the Covenanted Native Civil Service —from Bengal, Kumar

Satyā Sū Ghoshāl and Baboo Nanda Krishna Bose, from the North Western Provinces, Kumar Bharat Singh and Muham-  
 mid Abbas, from Bombay, Mr Sorabji Padamji Pestonji, and  
 from the Punjaub, Sardar Gurdayal Singh

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Baboo Keshub Chunder Sen has begun to advocate the Divi-  
 nity of—what, do you think?—of Rice. In a sermon which he  
 delivered at the Brahma Mandir on the 13th of Kartik, last, the  
 substance of which is published in the Sunday *Indian Mirror* of  
 the 28th instant, he said —“They [true devotees] would not say  
 that rice is God, but believe that God is in rice. For no created  
 object can be the Creator, rice cannot be the goddess Lakshmi,  
 but it is essentially Divine. Rice is the heart's blood of the  
*Yogi*, it makes faith and love grow in the soul. In every grain  
 of rice the Lord liveth. The very sight of it draws tears from  
 the eyes of the devotee and he thus cries out,—“O Rice! could  
 men have lived if thou hadst not been? Human blood is visible  
 in thee. Thou art the giver of strength, the dispenser of power,  
 the source of energy. Holy Rice! in this rice-consuming coun-  
 try, Bengal, thou shalt be valued.”” Rice is Holy, Rice is  
 Divine! We shall next hear of the Divinity of *Dal*, and after  
 that, of the Divinity of *Machur Jhol*!—the Trinity of the  
 Colootolah Brahmos

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